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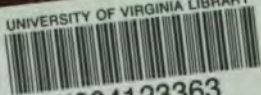
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*Richd. H. H. H.*  
**JOURNAL,** *227 H. H. H.*  
*1899*

**ACTS AND PROCEEDINGS,**

**OF A**

**GENERAL CONVENTION**

**OF THE**

**COMMONWEALTH OF VIRGINIA,**

**ASSEMBLED IN RICHMOND,**

**ON MONDAY, THE FIFTH DAY OF OCTOBER, IN THE YEAR OF OUR  
LORD ONE THOUSAND EIGHT HUNDRED AND  
TWENTY-NINE.**

---

**RICHMOND:**

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**1899.**

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**1899.**

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# JOURNAL

OF THE

## GENERAL CONVENTION.

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*At a GENERAL CONVENTION of Delegates from the Senatorial Districts of the Commonwealth of Virginia, begun and held at the Capitol, in the City of Richmond, pursuant to law, on Monday, the fifth day of October, eighteen hundred and twenty-nine, and in the fifty-fourth year of the Commonwealth, the members elected having taken their seats, and a quorum appearing,*

Mr. James Madison nominated James Monroe, esq. as President to the Convention, who was accordingly unanimously elected. The President was thereupon conducted to the chair by Mr. Madison and Mr. Marshall, and delivered the following address:

Having served my country from very early life in all its highest trusts and most difficult emergencies, from the most important of which trusts I have lately retired, I cannot otherwise than feel, with great sensibility, this proof of the high confidence of this very enlightened and respectable assembly. It was my earnest hope and desire that a very distinguished citizen and friend, who has preceded me in several of these high trusts, and who had a just claim to that precedence, should have taken this station, and I deeply regret the considerations which have induced him to decline it. The proofs of his very important services, and the purity of his life, will go down to our latest posterity; and his example, aided by that of others, whom I need not mention, will give a strong prop to our free system of government. I regret my appointment from another consideration, a fear that I shall not be able to discharge the duties of the trust with advantage to my country. I have never before held such a station, and am ignorant of the rules of the House. I have also been afflicted of late, with infirmity, which still exists to a degree to form a serious obstacle. Being placed however here, I will exert my best faculties, physical and mental, such as they are, at every hazard, to discharge its duties to the satisfaction of this assembly and of my country.

This assembly is called for the most important object. It is to amend our Constitution, and thereby give a new support to our system of free republican government. Our Constitution was the first that was formed in this Union, and it has been in operation since. We had at this period the examples only of the ancient republics before us : we have now the experience of more than half a century of this our own Constitution, and of those of all our sister States. If it has defects, as I think it has, experience will have pointed them out, and the ability and integrity of this enlightened body will recommend such alterations as it deems proper to our constituents, in whom the power of adopting or rejecting them is exclusively vested.

All other republics have failed. Those of Rome and Greece exist only in history. In the territories which they ruled, we see the ruins of ancient buildings only : the governments have perished and the inhabitants exhibit a state of decrepitude and wretchedness which is frightful to those who visit them.

On the subject of order, and the method of proceeding, I need say nothing to this assembly. The importance of the call, and the manner of election, give ample assurance that no danger need be apprehended on that subject. Our fellow-citizens in the elections they have made, have looked to the great cause at issue and selected those whom they thought most competent to its duties. They have not devoted themselves to individuals, but have regarded principle, and sought to secure it. In this I see strong ground to confide in the safety and success of our system. It inspires me with equal confidence that the result of your labours will correspond with their most sanguine hopes.

On motion, the Convention then proceeded to the election of a Secretary, and sundry persons being in nomination, it was resolved to elect the said officer by ballot ; whereupon, the members having prepared tickets and deposited the same in the ballot-boxes, Messrs. *Gordon, Leigh of Chesterfield, Doddridge, Green, Morris and Stanard*, were appointed a committee to examine the ballots, and ascertain on whom a majority of votes had fallen ; the committee having executed the said duty, Mr. *Gordon* reported, that a majority of votes appeared in favor of George W. Munford, who was thereupon declared duly elected.

On motion of Mr. *Doddridge*,

Resolved, that the rules of the late House of Delegates be adopted by this Convention as rules to govern its proceedings and deliberations, so far as they apply.

On motion of Mr. *M'Coy*, the Convention proceeded to the election of a Sergeant at Arms, and sundry persons being in nomination, the members prepared tickets and deposited the same in the ballot-boxes, whereupon, Messrs. *Powell, Cabell, Taylor of*

*Chesterfield, Garnett, Doddridge, Morris, and Campbell of Bedford*, were appointed a committee to examine the ballots, which being accordingly done, *Mr. Powell* reported, that a majority of votes were found in favor of *William Randolph*, who was thereupon declared duly elected Sergeant at Arms.

On motion of *Mr. Clopton*,

Resolved, that the reporters for the newspapers published in the City of Richmond be admitted to seats for the purpose of taking notes of the proceedings of the Convention.

*Mr. Doddridge* submitted the following resolution :

Resolved, that the Secretary of this Convention be authorised and required to provide the same with stationery, and that he also do contract for and superintend all such public printing as shall be ordered by this Convention, on the most beneficial terms for the Commonwealth in his power.

On motion of *Mr. Johnson*, the same was ordered to be laid upon the table.

On motion of *Mr. Johnson*,

Resolved, that the Convention proceed to the appointment of two door-keepers.

And several persons being in nomination for each office, the members prepared tickets and deposited the same in the ballot-boxes to select the first officer ; whereupon, Messrs. *Nicholas, Pleasants, Morris, Tyler, Clopton and Mason*, were appointed a committee to examine the ballots, which having been performed, *Mr. Nicholas* reported, that *Littleberry Allen* had received a majority of votes, who was thereupon declared duly elected first door-keeper.

The Convention in like manner proceeded to ballot for the remaining door-keeper, and the members having deposited their votes, the same gentlemen were appointed a committee to examine the same ; this duty being executed, *Mr. Nicholas* reported, that a majority of votes appeared in favor of *William W. Gray*, who was thereupon declared duly elected second door-keeper.

On motion of *Mr. Doddridge*, the Secretary called over the list of members, when the following gentlemen answered to their names, viz :

*From the first District,*

{ *John W. Jones,*  
*Benjamin W. Leigh,*  
*Samuel Taylor.*

*From the second District.*

{ *William H. Broadnax,*  
*George C. Dromgoole,*  
*Mark Alexander,*  
*William O. Goode.*



*From the third District,*

{ John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton.

*From the fourth District,*

{ William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson.

*From the fifth District,*

{ Briscoe G. Baldwin,  
Chapman Johnson,  
William M'Coy,  
Samuel M'D. Moore.

*From the sixth District,*

{ Andrew Bierne,  
William Smith,  
Fleming B. Miller,  
John Baxter.

*From the seventh District,*

{ John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart.

*From the eighth District,*

{ John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable.

*From the ninth District,*

{ James Madison,  
Philip P. Barbour,  
Robert Stanard.

*From the tenth District,*

{ James Monroe, (*Pres't*),  
Charles Fenton Mercer,  
William H. Fitzhugh,  
Richard H. Henderson.

*From the eleventh District,*

{ John R. Cooke,  
Alfred H. Powell,  
Hierome L. Opie,  
Thomas Griggs, jr.

*From the twelfth District,*

{ William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton.

- From the thirteenth District,* { John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars.
- From the fourteenth District,* { John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett.
- From the fifteenth District,* { Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby.
- From the sixteenth District,* { Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See.
- From the seventeenth District,* { Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson.
- From the eighteenth District,* { John S. Barbour,  
John Scott,  
John Macrae,  
John W. Green.
- From the nineteenth District,* { Littleton W. Tazewell,  
Joseph Prentis,  
Robert B. Taylor,  
George Loyall.
- From the twentieth District,* { William Campbell,  
Samuel Claytor,  
Callohill Menzies,  
James Saunders.
- From the twenty-first District,* { George Townes,  
Benjamin W. S. Cabell,  
Joseph Martin,  
Archibald Stuart.

*From the twenty-second District,* { James Pleasants,  
William F. Gordon,  
Lucas P. Thompson,  
Thomas Massie, jr.

*From the twenty-third District,* { John Taliaferro,  
Fleming Bates.

*From the twenty-fourth District,* { Thomas R. Joynes,  
Thomas M. Bayly,  
Abel P. Upshur.

Mr. *Wilson* submitted the following resolution :

Resolved, that the Convention will proceed on to-morrow to the election of a Chaplain.

On motion of Mr. *Powell*, the same was ordered to be laid upon the table.

On motion of Mr. *Johnson*,

Resolved, that when the Convention adjourns to-day, it will adjourn until to-morrow 12 o'clock.

And then, on motion of Mr. *Johnson*, the Convention adjourned accordingly.

## TUESDAY, OCTOBER 6, 1829.

Mr. *William B. Giles*, a delegate from the first, and Mr. *Callohill Mennis*, a delegate from the twentieth Senatorial Districts, appeared and took their seats.

On motion of Mr. *Doddridge*, the resolution offered by him on yesterday, ("authorising and requiring the Secretary of this Convention to provide the same with stationery, and to contract for, and superintend all such public printing as shall be ordered by the Convention, on the most beneficial terms for the Commonwealth,") was withdrawn.

Mr. *Doddridge* then submitted the following resolutions, viz :

Resolved, that a committee be appointed to take into consideration the Bill or Declaration of Rights, and to report to this Convention, whether, in their opinion, any, and if any, what amendments are necessary therein.

Resolved, that a committee be appointed to take into consideration the Legislative department of Government, as established by the present Constitution, and to report to this Convention, either a substitute for the same, or such amendments thereto, as in their opinion are necessary.

Resolved, that a committee be appointed to take into consideration the Executive department of Government, as established by the present Constitution; and to report to this Convention, either a substitute for the same, or such amendments thereto, as in their opinion are necessary.

Resolved, that a committee be appointed to take into consideration the Judicial department of Government, as established by the present Constitution; and to report to this Convention, either a substitute for the same, or such amendments thereto, as in their opinion are necessary.

Resolved, that a committee be appointed to take into consideration so much of the Constitution as relates to the right of suffrage, and qualifications of persons to be elected, and to enquire whether any, and if any, what alterations or amendments are necessary therein, and to report the same, with their opinions thereon to this Convention.

Resolved, that a committee be appointed to take into consideration the proper basis of representation, and the proper mode of apportioning representation among the people, and to make report thereon to this Convention.

Resolved, that a committee be appointed to take into consideration all such parts of the Constitution, as are not referred by the foregoing resolutions; and to report to this Convention, either substitutes for such parts, or such amendments thereto, as in their opinion are necessary.

Resolved, that each committee to be appointed under the foregoing resolutions, shall consist of                      members.

On motion of *Mr. Doddridge*,

Ordered, that the said resolutions be laid upon the table.

On motion of *Mr. M'Coy*, the Convention then proceeded to the election of a printer; and several persons being in nomination, the members prepared tickets, and deposited the same in the ballot-boxes; whereupon, Messrs. *M'Coy*, *Clopton* and *Garnett*, were appointed a committee to examine the ballots; which being accordingly done, *Mr. M'Coy* reported, that a majority of votes were found in favor of *Thomas Ritchie*, who was thereupon declared duly elected printer to the Convention.

On motion of *Mr. Wilson*, the resolution offered by him on yesterday, for the election of a Chaplain, was withdrawn; whereupon, he offered the following as a substitute therefor, viz:

Resolved, that the Secretary be directed to wait on the Clergy of this city, and request them, by an arrangement between themselves, to open the session of the Convention each morning by prayer.

And the question being put upon the adoption of the said substitute, was determined in the affirmative.

On motion of *Mr. Johnson*,

Resolved, that a committee of one from each Senatorial District,

be appointed to enquire and report what method will be most expedient in bringing before the House, the amendments to the Constitution which may be proposed.

The President deferred the appointment of the said committee until to-morrow.

On motion of Mr. *Macrae*,

Resolved, that a committee of seven be appointed to consider and report what rules of proceedings of the House of Delegates are applicable as rules of proceedings of this Convention, and what amendments thereof, if any, ought to be made.

Ordered, that Messrs. *Macrae*, *Scott*, *Johnson*, *Mercer*, *Leigh* of *Chesterfield*, *Barbour* of *Orange*, and *Gordon*, constitute the said committee.

On motion of Mr. *Scott*,

Ordered, that a committee of Privileges and Elections be appointed, to consist of seven members; and a committee was appointed of Messrs. *Scott*, *Doddridge*, *Nicholas*, *Taylor* of *Norfolk Borough*, *Taliaferro*, *Pleasants*, and *Baldwin*.

And then, on motion of Mr. *M'Coy*, the Convention adjourned until to-morrow 12 o'clock.

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### WEDNESDAY, OCTOBER 7, 1829.

In conformity with the resolution adopted on yesterday, "that a committee of one from each Senatorial District be appointed to enquire and report what method will be most expedient in bringing before the House the amendments to the Constitution which may be proposed," the President proceeded to appoint the following as the said committee: Messrs. *Giles*, *Brodnax*, *Marshall*, *Harrison*, *Johnson*, *Beirne*, *Mason*, *Randolph*, *Madison*, *Mercer*, *Powell*, *Naylor*, *George*, *Roane*, *Chapman*, *Summers*, *Doddridge*, *Green*, *Tazewell*, *Campbell* of *Bedford*, *Townes*, *Pleasants*, *Taliaferro*, and *Joynes*.

On motion of Mr. *Johnson*, the resolutions offered by Mr. *Doddridge*, proposing to refer to different committees the various subjects embraced by the Bill of Rights and present Constitution of the State, or such amendments thereto as may be proposed, were taken up and ordered to be referred to the said select committee.

And then, on motion of Mr. *Doddridge*, the Convention adjourned until to-morrow 12 o'clock.

THURSDAY, OCTOBER 8, 1829.

Mr. *Madison*, from the committee appointed to devise the best method of proceeding for the Convention, presented a report and resolutions, which were read as follow :

The committee of one from each Senatorial District, appointed to enquire into the most convenient mode of proceeding in bringing to the consideration of the Convention such amendments as may be proposed to the present Constitution, have had the same under consideration, and are of opinion, that the most convenient method is to adopt the following resolutions, viz :

1. Resolved, that a committee be appointed to take into consideration the Bill or Declaration of Rights, and to report to this Convention whether, in their opinion, any, and if any, what amendments are necessary therein.

2. Resolved, that a committee be appointed to take into consideration the Legislative department of government, as established by the present Constitution, and to report to this Convention, either a substitute for the same, or such amendments thereto, as in their opinion are necessary, or that no substitute or amendment is necessary.

3. Resolved, that the Executive department of government, as established by the present Constitution, be referred to a committee to enquire and report whether any, and if any, what amendments are necessary.

4. Resolved, that the Judicial department of government, as established by the present Constitution, be referred to a committee to enquire and report whether any, and if any, what amendments are necessary therein.

5. Resolved, that all such parts of the present Constitution, as are not referred by the foregoing resolutions, be referred to a committee to enquire and report whether any, and if any, what amendments are necessary therein.

6. Resolved, that no original resolution offered to the Convention, proposing any amendment to the Constitution or Declaration of Rights, be discussed on its merits in the House ~~and~~ it shall have been referred.

On motion of Mr. *Doddridge*,

Ordered, that the same be laid upon the table, and be printed for the use of the members of the Convention.

Mr. *Mercer* submitted the following resolutions, intended to be proposed as an amendment to the resolutions of the select committee, viz :

1. Resolved, that so much of the Constitution as relates to the right of suffrage, be referred to a committee to consider and report whether any, and if any, what amendments are necessary therein.

2. Resolved, that so much of the Constitution as relates to the basis of representation, be referred to a committee to consider and report whether any, and if any, what amendments are necessary therein.

The same being read, were, on his motion, ordered to be laid upon the table, and be printed for the use of the members of the Convention.

Mr. *Tazewell* submitted a resolution, which was read as follows:

Resolved, that the most expedient method of bringing before the Convention any amendments to the Constitution which may be proposed, will be, to take up the existing Constitution or form of government of Virginia, with the Declaration of Rights, and regarding them for the purposes of examination and discussion merely, as a plan proposed and reported by a select committee, to refer the same to a committee of the whole House, there to be examined section after section, and to be dealt with in all other respects as a bill so referred by the House to that committee usually is.

On his motion, the same was ordered to be laid upon the table, and be printed for the use of the members of the Convention.

On motion of Mr. *Brodnax*,

Ordered, that the Bill or Declaration of Rights, and the present Constitution of the State, be printed for the use of the Convention.

Mr. *Macrae*, from the committee appointed to ascertain what rules of the House of Delegates are applicable to the Convention, presented a report, which was read, and being amended by the House, on motions severally made by Messrs. *Leigh of Chesterfield*, *Doddridge* and *Stanard*, was, as amended, on the question put thereupon, agreed to by the Convention.

The same as amended, is as follows:

The committee to whom it was referred to consider and report what rules of proceedings of the House of Delegates are applicable as rules of proceedings of this Convention, and what amendments thereof, if any, ought to be made, have, according to order, performed that duty, and report the following as rules of proceedings for this Convention, viz:

1. No member shall absent himself from the service of the House without leave, unless he be sick, and unable to attend.

2. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and without advancing from thence, shall, with due respect, address himself to the PRESIDENT, confining himself strictly to the point in debate, avoiding all indecent and disrespectful language.

3. No member shall speak more than twice in the same debate, without leave.

4. A question being once determined, must stand as the judgment of the House, and cannot again be drawn into debate.

5. While the President is reporting, or putting any question,

none shall entertain private discourse, read, stand up, walk into or out of the House.

6. No member shall vote on any question touching his own conduct in, or rights and privileges as a member of this Convention, or in any other case where he was not present when the question was put by the President or Chairman of any committee.

7. Every member who shall be in the House when any question is put, shall on a division be counted on the one side or the other.

8. Each day, before the House proceed to any other business, the Secretary shall read the Orders of the Day.

9. The Secretary shall not suffer any records or papers to be taken from the table, or out of his custody, by any member or other person.

10. A majority of the members of the Convention shall be necessary to proceed to business, and every question shall be determined according to the vote of a majority of the members present. Any smaller number shall be sufficient to adjourn, and fifteen to call a House and send for the absent, and make any order for their censure or discharge.

11. When the House is to rise, every member shall keep his seat until the President passes him.

12. The Journals of the House shall be daily drawn up by the Secretary, and after being examined by the President, be printed, and one copy be delivered to the Secretary and to each member, without delay.

13. A majority of any committee shall be a sufficient number to proceed to business.

14. Any person shall be at liberty to sue out an original writ or subpoena in Chancery, in order to prevent a bar by the statute of limitations, or to file any bill in Equity, to examine witnesses thereupon, for the sole purpose of preserving their testimony against any member of this House, notwithstanding his privilege: provided, that the clerk, after having made out, and signed such original writ, shall not deliver the same to the party, or to any other, during the continuance of that privilege.

15. Any person summoned to attend this House, or any committee thereof, as a witness in any matter depending before them, shall be privileged from arrest, during his coming to, attending on, or going from the House, or committee; and no such witness shall be obliged to attend, until the party, at whose request he shall be summoned, do pay, or secure to him, for his attendance, and travelling, the same allowance which is made to witnesses attending the General Court.

16. If any person shall tamper with any witness, in respect to his evidence to be given in this House, or any committee thereof, or directly, or indirectly, endeavour to deter, or hinder any person from appearing, or giving evidence, the same is declared to be a



high crime, or misdemeanor; and this House will proceed with the utmost severity against such offender.

17. No person shall be taken into custody by the Sergeant at Arms, on any complaint of a breach of privilege, until the matter of such complaint shall be examined by the committee of Privileges and Elections, and reported to the House.

18. The Sergeant's fees shall be as follows, to wit: for taking any person into custody, two dollars; for every day he shall be detained in custody, two dollars; for sending a messenger to take any person into custody by warrant from the President, eight cents per mile for going, and the same for returning, besides ferriages.

19. On a call of the House, the doors shall not be shut against any member until his name is once enrolled.

20. When any member shall keep his seat two days after having obtained leave of absence, such leave shall be void.

21. No business shall be introduced, taken up, or considered, after 12 o'clock, until the Orders of the Day shall be disposed of.

22. Any member, on his motion made for that purpose, on being seconded, provided seven of the members present be in favour of the motion, shall have a right to have the ayes and noes taken upon the determination of any question, provided he shall give notice of his intention to call the ayes and noes before the question be put, and in such case the House shall not divide, or be counted on the question, but the names of the members shall be called over by the Secretary, and the ayes and noes shall be respectively entered on the Journal, and the question shall be decided as a majority of votes shall thereupon appear: provided, that after the ayes and noes shall be separately taken, and before they are counted, or entered on the Journal, the Secretary shall read over the names of those who voted in the affirmative, and of those who voted in the negative; and any member shall have liberty, at such reading, to correct any mistake which may have been committed, in listing his name, either in the affirmative or negative.

23. The petitioner who contests the election of a member returned to serve in this Convention, is entitled to receive his wages only from the day on which such petitioner is declared duly elected.

24. Select committees shall be composed of some number not less than five, nor more than thirteen.

25. It shall be the rule of the House, in all cases of balloting, to fill one vacancy only at a time.

26. The committee of Privileges and Elections shall report to the House in all cases of privilege, or contested election, to them referred, the principles, and reasons upon which their resolutions shall be founded.

27. In all cases of balloting for the election of any officer by this Convention, if, on the first ballot, no person shall have a majority of the whole number, on the second ballot the person who

had the smallest number of votes shall not be balloted for ; and so on each succeeding ballot till some person shall have a majority of the whole.

28. In all cases wherein a division of the House, on any question propounded from the Chair, is rendered necessary, in the opinion of the President, by the equality of sound, or required by the motion of any member, the members voting on the question which occasions such division, shall be required to rise in their places ; and if, on a general view of the House, a doubt still remain in the President, or any member thereof, on what side the majority is, the members shall be counted standing in their places, either by the President, or by two members of opposite opinions on the question, to be deputed for that purpose by the President.

29. The committee appointed to examine the ballot-boxes shall count no blanks therein.

30. The Documents ordered to be printed by the House, shall be printed on paper of the same size of the Journals of this Convention, and a copy shall be bound up with each Journal, to be furnished to the members at the end of the session ; and it shall be the duty of the Printer of the House to print one hundred additional copies of each document ordered to be printed, for the above purpose.

31. It shall be the duty of the committee of Privileges and Elections to examine the certificates of election furnished by the sheriffs, in order to ascertain the members of this Convention duly elected, and to report thereupon.

32. Seats within this House, such as the President shall direct, shall be set apart for the use of the members of the General Assembly and of the Executive, of the Judges of the Superior Courts of this State, and of the United States, and of such other persons as the President may think proper to invite within the bar.

33. It shall be a standing rule of the House, that the President be authorised to call any member of the House to occupy the Chair, and exercise the functions of President until he may resume the Chair ; with this proviso, that the power given by this rule shall not be construed to confer on the President a right to place any member in the Chair of the President ; for a longer period than one day.

On motion of *Mr. Mercer*,

Ordered, that the said report as amended, together with the " Act to organize a Convention," be printed for the use of the Convention.

On motion of *Mr. Doddridge*,

Resolved, that the Journals of this Convention be printed in the octavo form.

And then, on motion of *Mr. Mercer*, the Convention adjourned until to-morrow 12 o'clock.

FRIDAY, OCTOBER 9, 1829.

Mr. Scott, from the committee of Privileges and Elections, presented a report, which was read as follows :

The committee of Privileges and Elections have performed the duty assigned them, by the rules of the House, and beg leave to report: that they have examined the returns of the sheriffs, and find that the following persons have been duly elected members of this Convention, to wit:

*From the District composed of the counties of Amelia, Chesterfield, Cumberland, Nottoway, Powhatan, and the town of Petersburg,* { John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles.

*From the District composed of the counties of Brunswick, Dinwiddie, Lunenburg and Mecklenburg,* { William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode.

*From the District composed of the counties of Charles City, Elizabeth City, James City, Henrico, New Kent, Warwick, York, and the cities of Richmond and Williamsburg,* { John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton.

*From the District composed of the counties of Shenandoah and Rockingham,* { William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson.

*From the District composed of the counties of Augusta, Rockbridge and Pendleton,* { Briscoe G. Baldwin,  
Chapman Johnson,  
William M'Coy,  
Samuel M'D. Moore.

*From the District composed of the counties of Monroe, Greenbrier, Bath, Botetourt, Alleghany, Pocahontas and Nicholas,* { Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter.

*From the District composed of the counties of Sussex, Surry, Southampton, Isle of Wight, Prince George and Greenville,* { John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart.

- From the District composed of the  
counties of Charlotte, Halifax and  
Prince Edward,* { John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable.
- From the District composed of the  
counties of Spottsylvania, Louisa,  
Orange and Madison,* { James Madison,  
Philip P. Barbour.  
David Watson,  
Robert Stanard.
- From the District composed of the  
counties of Loudoun and Fairfax,* { James Monroe,  
Charles Fenton Mercer.  
William H. Fitzhugh,  
Richard H. Henderson.
- From the District composed of the  
counties of Frederick and Jefferson,* { John R. Cooke,  
Alfred H. Powell,  
Hierome L. Opie,  
Thomas Griggs, jr.
- From the District composed of the  
counties of Hampshire, Hardy,  
Berkeley and Morgan,* { William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton.
- From the District composed of the  
counties of Washington, Lee, Scott,  
Russell and Tazewell,* { John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars.
- From the District composed of the  
counties of King William, King  
and Queen, Essex, Caroline and  
Hanover,* { John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett.
- From the District composed of the  
counties of Wythe, Montgomery,  
Grayson and Giles,* { Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby.
- From the District composed of the  
counties of Kanawha, Mason, Ca-  
bell, Randolph, Harrison, Lewis,  
Wood and Logan,* { Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See.

- |  |   |   |
|--|---|---|
| <i>From the District composed of the<br/>counties of Ohio, Tyler, Brooke,<br/>Monongalia and Preston,</i>  | { | Charles S. Morgan,<br>Philip Doddridge,<br>Alexander Campbell,<br>Eugenius M. Wilson. |
| <i>From the District composed of the<br/>counties of Fauquier and Culpeper,</i>  | { | John S. Barbour,<br>John Scott,<br>John Macrae,<br>John W. Green.                     |
| <i>From the District composed of the<br/>counties of Norfolk, Princess Anne,<br/>Nansemond, and the borough of<br/>Norfolk,</i>                                    | { | Littleton W. Tazewell,<br>Joseph Prentis,<br>Robert B. Taylor,<br>George Loyall.      |
| <i>From the District composed of the<br/>counties of Campbell, Buckingham<br/>and Bedford,</i>   | { | William Campbell,<br>Samuel Claytor,<br>Callohill Mennis,<br>James Saunders.          |
| <i>From the District composed of the<br/>counties of Franklin, Patrick, Hen-<br/>ry and Pittsylvania,</i>  | { | George Townes,<br>Benjamin W. S. Cabell,<br>Joseph Martin,<br>Archibald Stuart.       |
| <i>From the District composed of the<br/>counties of Albemarle, Amherst,<br/>Nelson, Fluvanna and Goochland,</i>   | { | James Pleasants,<br>William F. Gordon,<br>Lucas P. Thompson,<br>Thomas Massie, jr.    |
| <i>From the District composed of the<br/>counties of King George, West-<br/>moreland, Lancaster, Northumber-<br/>land, Richmond, Stafford and Pr.<br/>William,</i> | { | William A. G. Dade,<br>Ellyson Currie,<br>John Taliaferro,<br>Fleming Bates.          |
| <i>From the District composed of the<br/>counties of Mathews, Middlesex,<br/>Accomack, Northampton and Glou-<br/>cester,</i>                                       | { | Thomas R. Joynes,<br>Thomas M. Bayly,<br>Calvin H. Read,<br>Abel P. Upshur.           |

On motion of Mr. Mercer,

Ordered, that the same be laid upon the table.

On motion of Mr. Fitzhugh,

Resolved, that a committee be appointed to enquire into and report the compensation proper to be allowed to the several officers appointed by this Convention.

Ordered, that Messrs. *Fitzhugh, Loyall, Stanard, Barbour of Orange, and Bayly*, constitute the same.

On motion of Mr. *Doddridge*, the following report and resolutions were taken up and read, viz :

The committee of one from each Senatorial District, appointed to enquire into the most convenient mode of proceeding in bringing to the consideration of the Convention such amendments as may be proposed to the present Constitution, have had the same under consideration, and are of opinion, that the most convenient method is to adopt the following resolutions, viz :

1. Resolved, that a committee be appointed to take into consideration the Bill or Declaration of Rights, and to report to this Convention whether, in their opinion, any, and if any, what amendments are necessary therein.

2. Resolved, that a committee be appointed to take into consideration the Legislative department of government, as established by the present Constitution, and to report to this Convention, either a substitute for the same, or such amendments thereto, as in their opinion are necessary, or that no substitute or amendment is necessary.

3. Resolved, that the Executive department of government, as established by the present Constitution, be referred to a committee to enquire and report whether any, and if any, what amendments are necessary.

4. Resolved, that the Judicial department of government, as established by the present Constitution, be referred to a committee to enquire and report whether any, and if any, what amendments are necessary therein.

5. Resolved, that all such parts of the present Constitution, as are not referred by the foregoing resolutions, be referred to a committee to enquire and report whether any, and if any, what amendments are necessary therein.

6. Resolved, that no original resolution offered to the Convention, proposing any amendment to the Constitution or Declaration of Rights, be discussed on its merits in the House till it shall have been referred.

Mr. *Tuzewell* then submitted as a substitute for the same, after the word "*Resolved*," the following, viz :

That the most expedient method of bringing before the Convention any amendments to the Constitution which may be proposed, will be, to take up the existing Constitution or form of government of Virginia, with the Declaration of Rights, and regarding them for the purposes of examination and discussion merely, as a plan proposed and reported by a select committee, to refer the same to a committee of the whole House, there to be examined section after section, and to be dealt with in all other respects as a bill so referred by the House to that committee usually is.

The question being put upon the adoption of the said substitute, was determined in the negative.—Ayes 34, Noes 54.

On motion of Mr. *Randolph*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,

Messrs. William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,  
Philip P. Barbour,  
John Roane,  
William P. Taylor,  
James M. Garnett,  
John S. Barbour,  
John Scott,  
John W. Green,  
Littleton W. Tazewell,  
Joseph Prentis,  
George Loyall,  
George Townes,  
John Taliaferro,  
Abel P. Upshur—34.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. James Monroe, (*Pres't.*)  
William Anderson,  
Samuel Coffman,  
Jacob Williamson,  
Briscoe G. Baldwin,  
Chapman Johnson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Robert Stanard,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
John R. Cooke,  
Alfred H. Powell,

Messrs. Hierome L. Opie,  
Thomas Griggs, jun.  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,

Messrs. Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
John Macrae,  
Robert B. Taylor,  
Samuel Claytor,  
Callohill Mennis,  
James Saunders,  
Benj. W. S. Cabell,

Messrs. Joseph Martin,  
Archibald Stuart, jun.  
James Pleasants,  
William F. Gordon,  
Lucas P. Thompson,  
Thomas Massie, jun.  
Fleming Bates,  
Thomas R. Joynes,  
Thomas M. Bayly—54.

The first resolution of the committee was, on motion of Mr. *Mercer*, ordered to be laid upon the table.

The second, third, fourth and sixth resolutions were, on questions severally put thereupon, agreed to by the House.

The fifth resolution was amended on motion of Mr. *Mercer*, by inserting after the word "*that*," the words, "*the Declaration of Rights and*;" and as amended, was agreed to by the Convention.

The said first resolution was, on motion of Mr. *Mercer*, taken up; and on the question put thereupon, disagreed to by the Convention.

On motion of Mr. *Mercer*,

Resolved, that so much of the 24th rule of the Convention as limits the number of a select committee to thirteen, be suspended, for the purpose of enlarging the three committees required by the preceding resolutions, to such extent, as that each committee shall comprehend one member from every Senatorial District, and composing the committee required by the fourth resolution, of such members as may not be placed on the preceding committees.

On motion of Mr. *Stanard*, the Convention then adjourned until to-morrow 12 o'clock.

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## SATURDAY, OCTOBER 10, 1829.

In conformity with the resolutions adopted on yesterday, the President appointed the following committees, viz :

A committee to take into consideration the Legislative department of Government, as established by the present Constitution: Messrs. *Leigh of Chesterfield, Brodnax, Tyler, Anderson, Johnson, Beirne, Mason, Randolph, Madison, Mercer, Cooke, Pendleton, George, Roane, Chapman, Summers, Doddridge, Green, Tazewell, Campbell of Bedford, Townes, Pleasants, Taliaferro and Joynes.*

The committee to take into consideration the Executive department of Government: Messrs. *Giles, Dromgoole, Nicholas, Coff-*



man, *M' Coy, Smith, Trezvant, Leigh of Halifax, Barbour of Orange, Fitzhugh, Powell, Naylor, Campbell of Washington, Garnett, Cloyd, Duncan, Morgan, Barbour of Culpeper, Loyall, Claytor, Cabell, Gordon, Bates and Upshur.*

The committee to take into consideration the Judicial department of Government: Messrs. *Jones, Alexander, Marshall, Harrison, Baldwin, Miller, Claiborne, Venable, Stanard, Henderson, Griggs, Boyd, M'Millan, Morris, Mathews, Laidley, Campbell of Brooke, Scott, Taylor of Norfolk Borough, Mennis, Martin, Thompson and Bayly.*

The committee to take into consideration the Bill of Rights, and such other parts of the present Constitution as are not otherwise referred: Messrs. *Taylor of Chesterfield, Goode, Clopton, Williamson, Moore, Baxter, Urquhart, Logan, Opie, Donaldson, Byars, Taylor of Caroline, Oglesby, See, Wilson, Macrae, Prentis, Saunders, Stuart, Massie and Read.*

The President laid before the Convention a letter from *William A. G. Dade*, a delegate from the twenty-third District, which was read as follows:

*To the honorable the President of the Convention called to alter or amend the Constitution of the State of Virginia:*

SIR,

Being unable, from ill health, to attend my duties in the Convention, I take the earliest opportunity of enclosing to you my resignation of that high trust.

Occurring after the meeting of the Convention, it will of course devolve the filling of my vacancy on the remaining delegates.

With the most earnest wishes for the success of your labours, and with the highest respect for yourself, and the body in which you preside,

I am, your most obedient servant,

WM. A. G. DADE.

October 5, 1829.

On motion of Mr. *Taliaferro*,

Ordered, that the same be laid upon the table.

On motion of Mr. *Joynes*,

Resolved, that the Auditor of Public Accounts be requested to prepare and lay before this Convention, tabular statements, shewing, the free white; free coloured; and slave population, of each county of this Commonwealth, according to the census taken in the years 1790, 1800, 1810 and 1820, respectively; the area in acres of each county; the quantity of land taxed in each county, in the year 1828; the amount of taxes assessed in each county, in the year 1828; the amount of tax paid into the public treasury from each county, in that year; the amount of tax accruing on each

subject of taxation; the white, free coloured, and slave tithables of each county, in the years 1800, 1810, 1820 and 1829; and also a statement of the present free white; free coloured; and slave population of each county, in the year 1829, so far as he can deduce the same by a comparison of the tithables and the entire population in the years 1800, 1810 and 1820.

Resolved, that the Auditor be also requested, in addition to such tabular statements in reference to each county, to state the information above requested, in relation to the four following divisions of this Commonwealth, viz: from the sea-coast to the head of tide-water; from the head of tide-water to the Blue Ridge; from the Blue Ridge to the Alleghany; and from the Alleghany to the westward.

On motion of *Mr. Green*,

Resolved, that the Auditor be also requested to furnish a statement from the property books in his office, of the number of persons in each county and corporate town of this Commonwealth, assessed to the payment of any revenue tax in the year 1828.

On motion of *Mr. Doddridge*,

Ordered, that the reports of the various committees appointed on this day, be printed for the use of the Convention.

And then, on his motion, the Convention adjourned until Monday 12 o'clock.

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### MONDAY, OCTOBER 12, 1829.

*Mr. Augustine Neale*, a delegate elected from the twenty-third District, to supply the vacancy occasioned by the death of *Ellyson Currie*, esq., appeared and took his seat.

The President laid before the Convention a letter from *Thomas R. Joynes*, *Thomas M. Bayly* and *Abel P. Upshur*, esqrs., which was read as follows:

RICHMOND, October 12, 1829.

SIR,

We discharge a melancholy duty in announcing to you the death of *Calvin H. Read*, esq., a delegate to the Convention of Virginia, from the twenty-fourth District, who departed this life on the night of the 6th inst.

This event having occurred since the meeting of the Convention, we, the remaining members of that delegation, have proceeded, according to the provisions of the Act of Assembly, to fill the vacancy thereby occasioned. We have appointed *William K. Perrin*, esq.

of the county of *Gloucester*, as the successor of Mr. *Read*, as will appear by the document which we have now the honour to enclose.

With high consideration,

We are your obedient servants,

THO. R. JOYNES,  
THO. M. BAYLY,  
A. P. UPSHUR.

*The honorable* JAMES MONROE,  
*President of the Convention.*

On motion of Mr. *Joynes*,

Ordered, that the said communication be laid upon the table.

On motion of Mr. *Joynes*,

Resolved, that the members of this Convention will wear crape for thirty days, in testimony of their respect for the memory of Dr. *Calvin H. Read*, of *Northampton*, who was elected a member of this Convention, and who has died since the meeting of the Convention.

On motion of Mr. *Joynes*,

Resolved, that the Sergeant at Arms cause to be delivered as soon as practicable, to *William K. Perrin*, of *Gloucester*, a notification of his appointment as a member of this Convention, to supply the vacancy occasioned by the death of Dr. *Calvin H. Read* of *Northampton*.

Mr. *Fitzhugh*, from the committee appointed to enquire into the compensation proper to be allowed the officers of the Convention, presented a report, which was read as follows:

The committee appointed to enquire into the compensation proper to be allowed the officers of the Convention, have agreed to the following resolution:

Resolved, that the allowances to the officers of this Convention, for their services during its session, shall be, to the President, in addition to his mileage as a member of the Convention, eight dollars per day; to the Secretary, one hundred and fifty dollars per week; to the Sergeant at Arms, thirty dollars per week; to each of the Door-keepers, twenty-eight dollars per week; and to the person who cleans the capitol, fourteen dollars per week.

The said resolution was, on the question put thereupon, agreed to by the Convention.

On motion of Mr. *Doddridge*,

Resolved, that the several committees, consisting of a member from each Senatorial District, have power respectively, to appoint a clerk, and to cause such printing to be done, as they may deem expedient in the performance of their respective duties.

Resolved, that the committee appointed to enquire into the compensation proper to be allowed the officers of the Convention, be instructed to provide a fit compensation for such clerks as may be appointed under the preceding resolution.

On motion of *Mr. Joynes*,

Resolved, that the Auditor of Public Accounts be requested to prepare and lay before this Convention, a statement of the number of persons in each county of this Commonwealth, who are charged on the land books of the years, 1828 and 1829, with taxes on a quantity of land not less than twenty-five acres, or on a lot, or part of a lot, in a town established by law.

On motion of *Mr. Brodnax*,

Resolved, that when the Convention adjourns to-day, it will adjourn until to-morrow one o'clock.

And then, on motion of *Mr. Doddridge*, the Convention adjourned accordingly.

## TUESDAY, OCTOBER 13, 1829.

Ordered, that *Mr. Neale* be added to the committee appointed to take into consideration the Judiciary department of Government.

*Mr. Marshall* presented a petition from the non-freeholders of the City of Richmond, praying an extension of the right of suffrage:

And *Mr. Mercer*, a similar petition from the non-freeholders of the county of Fairfax.

Ordered, that the said petitions be referred to the committee appointed to take into consideration the Legislative department of Government.

And then, on motion of *Mr. M'Coy*, the Convention adjourned until to-morrow one o'clock.

## WEDNESDAY, OCTOBER 14, 1829.

The President laid before the Convention a communication from the Auditor of Public Accounts, which was read as follows:

AUDITOR'S OFFICE,  
13th October, 1829. }

SIR,

In compliance with one of the resolutions adopted by the Convention on the 10th instant, I have the honor to transmit a statement of the number of persons in each county and corporate town within this Commonwealth, charged with State tax on move-

able property for the year 1828. The documents called for by the other resolutions, will be furnished as soon as they can be prepared.

I have the honor to be,

Sir,

With great respect and consideration,

Your obedient servant,

JAS. E. HEATH,

*Auditor of Public Accounts.*

On motion of Mr. *Doddridge*,

Ordered, that the said letter be laid upon the table, and that the accompanying document be printed for the use of the Convention.

On motion of Mr. *Doddridge*,

Ordered further, that the Auditor be requested to furnish the printer with the remaining information called for, as soon as prepared, and that the same be printed for the use of the Convention.

On motion of Mr. *Johnson*,

Resolved, that when the Convention adjourns to-day, it will adjourn until to-morrow two o'clock.

And then, on motion of Mr. *Doddridge*, the Convention adjourned accordingly.

## THURSDAY, OCTOBER 15, 1829.

Mr. *Anderson* presented a petition of the non-freeholders of the county of Shenandoah, praying an extension of the elective franchise, which was ordered to be referred to the committee appointed to take into consideration the Legislative department of Government.

And then, on motion of Mr. *M'Coy*, the Convention adjourned until to-morrow two o'clock.

## FRIDAY, OCTOBER 16, 1829.

The Convention met pursuant to adjournment, and having no business before them:

On motion of Mr. *Naylor*, the Convention adjourned until to-morrow two o'clock.

## SATURDAY, OCTOBER 17, 1829.

*Mr. William K. Perrin*, a delegate elected to supply the vacancy occasioned by the death of *Calvin H. Read*, a delegate from the 24th District, appeared and took his seat.

Ordered, that *Mr. Perrin* be added to the committee appointed to take into consideration the Bill of Rights, and such other parts of the existing Constitution, as are not otherwise referred.

And then, on motion of *Mr. Doddridge*, the Convention adjourned until Monday two o'clock.

## MONDAY, OCTOBER 19, 1829.

*Mr. Fitzhugh*, from the committee appointed to enquire into the compensation proper to be allowed the officers of the Convention, presented a report, which was read as follows:

The committee appointed to enquire into the compensation proper to be allowed the officers of the Convention, have agreed to the following resolution:

Resolved, that the sum of sixteen dollars be allowed the Sergeant at Arms for notifying *William K. Perrin* of his election to the Convention.

The said resolution was, on the question put thereupon, agreed to by the Convention.

*Mr. Taylor of Chesterfield*, from the committee appointed to take into consideration the Bill of Rights, and such other parts of the present Constitution as are not otherwise referred, presented a report, which was read as follows:

The committee to whom was referred the Bill or Declaration of Rights, and all such parts of the present Constitution as are not referred to the committees on the Legislative, Executive and Judicial departments of the Government, have had the subjects to them referred, under their consideration, and have in part performance of the duties devolved on them, agreed upon the following resolution:

Resolved, that in the opinion of this committee, the Bill or Declaration of Rights requires no amendment.

On motion of *Mr. Taylor of Chesterfield*,

Ordered, that the same be laid upon the table.

*Mr. Harrison* presented a memorial from the non-freeholders of the county of Rockingham, praying an extension of the elective franchise, which, on his motion, was ordered to be referred to the

committee appointed to take into consideration the Legislative department of Government.

And then, on motion of Mr. *Mercer*, the Convention adjourned until to-morrow two o'clock.

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TUESDAY, OCTOBER 20, 1829.

Mr. *Marshall*, from the committee appointed to take into consideration the Judicial department of Government, presented a report, which was read as follows :

The committee to whom was referred the Judicial department of government, as established by the present Constitution, have, according to order, had the same under consideration, and report, in part, the following resolutions thereupon :

1. Resolved, that the Judicial power shall be vested in a Court of Appeals, in such inferior Courts as the Legislature shall from time to time ordain and establish, and in the County Courts. The jurisdiction of these tribunals shall be regulated by law. The Judges of the Court of Appeals and of the inferior Courts shall hold their offices during good behaviour, or until removed in the manner prescribed in this Constitution ; and shall, at the same time, hold no other office; appointment or public trust : and the acceptance thereof by either of them shall vacate his judicial office. No modification or abolition of any Court shall be construed to deprive any Judge thereof of his office ; but such Judge shall perform any judicial duties which the Legislature shall assign him.

2. Resolved, that the present Judges of the Court of Appeals, Judges of the General Court, and Chancellors remain in office until the expiration of the first session of the Legislature held under the new Constitution, and no longer. But the Legislature may cause to be paid to such of them as shall not be re-appointed, such sum as, from their age, infirmities and past services, shall be deemed reasonable.

3. Resolved, that Judges of the Court of Appeals and inferior Courts, except Justices of the County Courts, and the Aldermen, or other Magistrates of Corporation Courts, shall be elected by the concurrent vote of both Houses of the General Assembly, each House voting separately, and having a negative on the other ; and the members thereof voting viva voce. The votes of the members shall be entered on the Journals of their respective Houses. Should the two Houses in any case fail to concur in the election of a Judge, during the session, the Governor shall decide the election, by appointing one of the two persons who first received a

majority of votes in the Houses in which they were respectively voted for. But if any vacancy shall occur, during the recess of the General Assembly, the Governor, or other person performing the duty of Governor, may appoint a person to fill such vacancy, who shall continue in office until the end of the next succeeding session of the General Assembly.

4. Resolved, that the Judges of the Court of Appeals and of the inferior Courts shall receive fixed and adequate salaries, which shall not be diminished during their continuance in office.

5. Resolved, that on the creation of any new county, Justices of the Peace shall be appointed in the first instance as may be prescribed by law. When vacancies shall occur in any county, or it shall, for any cause, be deemed necessary to increase their number, appointments shall be made by the Governor, by and with the advice and consent of the Senate, on the recommendation of their respective County Courts.

6. Resolved, that the Clerks of the several Courts shall be appointed by their respective Courts, and their tenure of office be prescribed by law.

7. Resolved, that the Judges of the Court of Appeals and of the inferior Courts, offending against the State, either by maladministration, corruption, or neglect of duty, or by any other high crime or misdemeanor, shall be impeachable by the House of Delegates; such impeachment to be prosecuted before the Senate. If found guilty by two-thirds of the whole Senate, such persons shall be removed from office. And any Judge so impeached shall be suspended from exercising the functions of his office until his acquittal, or until the impeachment shall be discontinued or withdrawn.

8. Resolved, that Judges may be removed from office by a vote of the General Assembly; but two-thirds of the whole number of each House must concur in such vote, and the cause of removal shall be entered on the Journals of each. The Judge against whom the Legislature is about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereupon.

On motion of Mr. *Marshall*,

Ordered, that the said report be laid upon the table.

Mr. *Giles*, from the committee appointed to take into consideration the Executive department of Government, presented a report, which was read as follows:

The committee, appointed on the Executive branch of the Constitution, have, according to order, had under consideration the subjects to them referred, and have come to the following resolutions thereupon:

1. Resolved, that the chief Executive office of this Commonwealth ought to be vested in a Governor.



2. Resolved, that there ought to be appointed a Lieutenant Governor of this Commonwealth.

3. Resolved, that the Executive Council, as at present organized, ought to be abolished, and that it is inexpedient to provide any other Executive Council.

4. Resolved, that in case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties and powers of his office, the said powers and duties shall devolve on the Lieutenant Governor; and the Legislature may provide for the case of removal, death, or similar inability of the Lieutenant Governor.

5. Resolved, that the sheriffs of the different counties in the Commonwealth, shall hereafter be elected by the voters qualified to vote for the most numerous branch of the Legislature.

6. Resolved, that the commissioned officers of militia companies be nominated to the Executive by a majority of their respective companies.

7. Resolved, that the field officers of regiments be nominated to the Executive by a majority of the commissioned officers of their respective regiments.

8. Resolved, that no pardon shall be granted in any case until after conviction or judgment.

On motion of Mr. *Giles*,

Ordered, that the said report be laid upon the table, and that the said committee be discharged from the farther consideration of the subjects to them referred.

Mr. *Powell* submitted a proposition, intended to be offered as a substitute for the report of the said committee, which was read as follows:

Resolved, that the Executive department of the existing form of government ought to be amended as follows:

SEC. 1. The Executive power shall be vested in a Governor. He shall hold his office for            years, and be ineligible for the term of            years thereafter: And a Lieutenant Governor shall be chosen at the same time, for the same term and under like restrictions.

SEC. 2. The Lieutenant Governor shall act as President of the Senate, but he shall have no right to vote except the Senate be equally divided upon any question; in which case he shall have the casting vote.

SEC. 3. No person shall be eligible to the office of Governor or Lieutenant Governor, except a citizen of this Commonwealth, nor any who shall not have attained the age of            years, and who shall not have resided            years next preceding his election in the State.

SEC. 4. The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the most nume-

rous branch of the Legislature, by the voters qualified to vote for the members of the General Assembly; provided that the election shall take place throughout the Commonwealth on the same day. The persons respectively having the highest number of votes for Governor and Lieutenant Governor, shall be elected. In case two or more persons shall have an equal number of votes for Governor or for Lieutenant Governor, the Legislature shall immediately by joint vote of both Houses, choose of the persons having an equal number of votes for Governor or for Lieutenant Governor, the Governor or Lieutenant Governor, as the case may be.

SEC. 5. The Governor shall be commander-in-chief of the militia. He shall have power to convene the Legislature on extraordinary occasions. He shall from time to time give information to the Legislature of the condition of the Commonwealth, and recommend to their consideration such measures as he shall judge necessary and expedient. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed.

SEC. 6. The Governor and Lieutenant Governor shall at stated times, receive for their services a compensation, which shall neither be increased nor diminished during the term for which they shall have been elected.

SEC. 7. The Governor shall have power to grant reprieves and pardons after conviction for all offences, except treasons and in cases of impeachment. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next session, when the Legislature may pardon, or direct the execution of the criminal, or grant a farther reprieve.

SEC. 8. In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of his office, his powers and duties shall devolve on the Lieutenant Governor; and in case of the removal, death, or resignation, or like inability of the Lieutenant Governor, the Legislature may provide by law upon whom the duties of the Governor shall devolve, until such disabilities shall be removed, or a Governor shall be elected.

SEC. 9. The Governor shall have power to nominate, and by and with the advice and consent of the Senate, appoint Judges of the Supreme Court or Court of Final Jurisdiction, and Judges of such inferior Courts as may from time to time, be established by law; all militia officers from the rank of Colonel inclusive; the Treasurer, Auditor of Public Accounts, Register of the Land Office, and Attorney General. The Legislature may by law vest the appointment of all other officers of the Commonwealth, whose appointments are not herein otherwise provided for, in the Governor alone, or in the Governor with the advice and consent of the Senate, or in the Courts of Law.

SEC. 10. The Governor shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of the next session of that body.

SEC. 11. The Governor shall have power to require in writing the opinions of the Lieutenant Governor, and of the Attorney General, upon all matters appertaining to the duties of his office.

SEC. 12. No person, whose tenure of office depends on the pleasure of the Governor, shall be removed from office without the advice or consent of the Senate to such removal. But the Governor shall have power, at any time, to suspend such officer, and appoint another to discharge the duties of his office, until the next session of the Senate, and until their advice and consent to such removal shall be ascertained and expressed.

On motion of Mr. *Powell*,

Ordered, that the said proposition be laid upon the table.

On motion of Mr. *Cooke*,

Ordered, that the same be printed for the use of the Convention.

Mr. *Morgan* also submitted a proposition intended to be offered as a substitute for the said report of the committee, which was read as follows :

The Executive power shall be vested in a Governor and a Lieutenant Governor, to assist in the administration of the affairs of Government when required by the Governor ; and who shall act as Governor in case of the death, resignation, or removal of the Governor from office, until another be appointed ; and in case of impeachment, temporary incapacity of any kind, or absence of the Governor from the seat of Government, until his restoration or return : And, if at any time there shall be no acting Governor, and the Lieutenant Governor shall be impeached, or from any other cause not acting, the Executive authority shall devolve on, and be exercised by, some person appointed by law for that purpose.

The Governor and Lieutenant Governor shall be annually appointed by joint ballot of the Senate and House of Delegates, and their terms of office shall end on the last day of December of every year ; but no person shall be eligible to the office of Governor for more than three years at any one time, nor again, until after he shall have been out of that office four years ; and in like manner after the end of every three years of service.

The Governor shall exercise the Executive power of the Government, according to the laws of the Commonwealth, and see that they shall be faithfully executed. He may, at his own discretion, and shall, on application of a majority of the Senate or House of Delegates, convene the General Assembly : And he shall have power to grant reprieves and pardons, except where the prosecution shall have been carried on by the House of Delegates, or the law shall otherwise particularly direct ; in which cases, the

House of Delegates shall alone have and exercise the power of granting them : but no pardon shall be granted in any case until after judgment or conviction.

On motion of Mr. *Morgan*,

Ordered, that the said proposition be laid upon the table.

On motion of Mr. *Mason*,

Ordered, that the reports from the Judiciary and Executive committees, together with the said last proposition, be printed for the use of the Convention.

Mr. *Gordon* presented a petition from sundry citizens of Albemarle, praying the insertion of an article in the Constitution, preventing the Legislature from interfering with religion, or the exercise of the liberty of conscience, which was ordered to be referred to the committee on the Legislative Department of Government.

And then, on motion of Mr. *Doddridge*, the Convention adjourned until to-morrow two o'clock.

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WEDNESDAY, OCTOBER 21, 1829.

On motion of Mr. *Marshall*,

Resolved, that the report of the committee appointed to take into consideration the Judiciary Department of Government, be referred to a committee of the whole House on Monday next.

A motion was made by Mr. *Leigh* of *Chesterfield*, that the Convention adopt the following resolution, viz :

Resolved, that it be a standing order of the Convention, that the Convention shall every day resolve itself into a committee of the whole Convention, to consider the existing Constitution of the Commonwealth, and such propositions for amendment or alteration thereof, as shall be referred to, or made in the said committee.

On motion of Mr. *Doddridge*,

Ordered, that the same be laid upon the table.

Mr. *Nicholas* submitted a proposition, intended to be offered as an amendment to the report of the committee on the Executive Department of Government, which was read as follows :

Resolved, that the 9th and 10th sections of the present Constitution be retained, and that the 11th be substituted by the following resolution :

A Privy Council or Council of State, consisting of four members, shall be chosen by joint ballot of both Houses of Assembly, either from their own members, or the people at large, to assist in the administration of Government. They shall annually choose out of their own members, a Lieutenant Governor, who, in case of

the death, inability, or necessary absence of the Governor from the Government, shall act as Governor. The Governor shall be the President of the Council, and shall, in all cases of division, have the casting vote. Two members with the Governor or Lieutenant Governor, as the case may be, shall be sufficient to act, and their advice and proceedings shall be entered of record, and signed by the members present, (to any part whereof any member may enter his dissent) to be laid before the General Assembly, when called for by them. The members of the Council shall be elected by joint ballot of both Houses of the General Assembly, for four years. At the first election, the two Houses shall, by joint resolution, divide the persons elected into two classes. The seats of the Councillors of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; so that one half may be chosen every second year: and if vacancies happen by resignation, or otherwise, they shall be filled by joint ballot of the two Houses of the General Assembly. An adequate, but moderate salary, shall be settled on them, during their continuance in office, and they shall be incapable during that time, of sitting in either House of Assembly.

On motion of Mr. *Nicholas*,

Ordered, that the said proposition be laid upon the table, and printed for the use of the Convention.

Mr. *Alexander F. Rose*, a delegate elected by the remaining delegates of the twenty-third District, to supply the vacancy occasioned by the resignation of *William A. G. Dade*, esq. appeared and took his seat.

On motion of Mr. *Powell*, the Convention adjourned until tomorrow two o'clock.

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#### THURSDAY, OCTOBER 22, 1829.

Ordered, that Mr. *Alexander F. Rose* be added to the committee appointed to take into consideration the Bill of Rights, and such other parts of the present Constitution, as are not otherwise referred.

Mr. *Taylor* of *Chesterfield*, from the committee appointed to take into consideration the Bill of Rights, and such other parts of the Constitution, as are not otherwise referred, presented a report, which was read as follows:

The committee to whom was referred the Bill or Declaration of Rights, and all such parts of the present Constitution as are not referred to the committees on the Legislative, Executive and Judicial

Departments of the Government, have, according to order, had the subjects to them referred under their consideration, and have further, in part performance of the duties devolved on them, agreed upon the following resolutions :

1. Resolved, as the opinion of this committee, that the Constitution of this State ought to be so amended, as to provide a mode in which future amendments shall be made therein.

2. Resolved, that the first and second sections of the present Constitution ought to be stricken out, and that an introductory clause, adapted to the amended Constitution, be substituted in lieu thereof.

3. Resolved, that the twelfth, twenty-first and twenty-second sections of the present Constitution ought to be stricken out, as no longer necessary.

4. Resolved, that the freedom of Speech, and of the Press, ought to be held sacred, and guaranteed by the Constitution.

5. Resolved, that no title of nobility shall be created or granted, and no person holding any office of profit or trust, under the United States, or under any King, Prince, or foreign State, shall hold any office under this State.

6. Resolved, as the opinion of this committee, that the Constitution ought to be so amended as to provide ; " that no man shall be compelled to frequent or support, any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions, or belief ; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion ; and that the same shall in no wise diminish, enlarge, or affect their civil capacities."

On motion of Mr. *Taylor of Chesterfield*,

Ordered, that the said report be laid upon the table, and be printed for the use of the Convention.

And then, on motion of Mr. *M' Coy*, the Convention adjourned until to-morrow two o'clock.

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FRIDAY, OCTOBER 23, 1829.

On motion of Mr. *Madison*,

Ordered, that leave be granted to the committee appointed to take under consideration the Legislative Department of Government, to sit during the session of the Convention.

Mr. *Taylor of Norfolk Borough*, submitted the following resolutions, which were read, viz :

Resolved 1st, that the elective franchise should be *uniform*; so that, throughout the State, similar qualifications should confer a similar right of suffrage.

Resolved 2d, that, among those entitled by the Constitution to exercise the elective franchise, there should be *entire equality of suffrage*; so that, in all elections, the suffrage of one qualified voter should avail as much as that of another qualified voter, whatever may be the disparity of their respective fortunes.

Resolved 3d, that equal numbers of qualified voters are entitled to equal representation, throughout the State.

Resolved 4th, that as *individual suffrage* should be *equal*, without respect to the disparity of individual fortune, so an *equal number* of qualified voters are entitled to equal representation, without regard to the disparity of their *aggregate* fortunes.

Resolved 5th, that in all pecuniary contributions to the public service, regard should be had to the ability of individuals to contribute; and as this ability to pay, from disparity of fortune is *unequal*, it would be unjust and oppressive to require each citizen to pay an *equal* amount of public taxes.

On motion of Mr. *Taylor of Norfolk Borough*,

Ordered, that the said resolutions be laid upon the table, and be printed for the use of the Convention.

And then, on motion of Mr. *Summers*, the Convention adjourned until to-morrow two o'clock.

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### SATURDAY, OCTOBER 24, 1829.

Mr. *Madison*, from the committee appointed on the Legislative Department of Government, presented a report, which was read as follows:

The committee appointed on the Legislative Department of the Government, have, according to order, had under consideration the subjects referred to them, and have agreed to the following REPORT:

1. Resolved, that in the apportionment of representation in the House of Delegates, regard should be had to the white population exclusively.

2. Resolved, that a Census of the population of the State, for the purpose of apportioning the representation, should be taken in the year 1831, the year 1845, and thereafter at least once in every twenty years.

3. Resolved, that the right of suffrage shall continue to be exercised by all who now enjoy it under the existing Constitution: Provided, that no person shall vote by virtue of his freehold only, unless the same shall be assessed to the value of at least

dollars, for the payment of taxes, if such assessment be required by law: and shall be extended, 1st, to every free white male citizen of the Commonwealth, resident therein, above the age of twenty-one years, who owns, and has possessed for six months, or who has acquired by marriage, descent, or devise, a freehold estate, assessed to the value of not less than       dollars, for the payment of taxes, if such assessment shall be required by law; 2d, or who shall own a vested estate in fee, in remainder, or reversion, in land, the assessed value of which shall be       dollars; 3d, or who shall own and have possessed a leasehold estate with the evidence of title recorded, of a term originally not less than five years, and one of which shall be unexpired, of the annual value, or rent of       dollars; 4th, or who for twelve months next preceding, has been a house-keeper and head of a family within the county, city, borough or election district, where he may offer to vote, and who shall have been assessed with a part of the revenue of the Commonwealth within the preceding year, and actually paid the same: Provided, nevertheless, that the right of suffrage shall not be exercised by any person of unsound mind, or who shall be a pauper, or a non-commissioned officer, soldier, sailor or marine, in the service of the United States, nor by any person convicted of any infamous offence; nor by citizens born without the Commonwealth, unless they shall have resided therein for five years immediately preceding the election at which they shall offer to vote, and two years preceding the said election, in the county, city, borough or election district, where they shall offer to vote, (the mode of proving such previous residence, when disputed, to be prescribed by law,) and shall possess, moreover, some one or more of the qualifications above enumerated.

4. Resolved, that the number of members in the Senate of this State ought to be neither increased nor diminished, nor the classification of its members changed.

5. Resolved, that the number of members in the House of Delegates ought to be reduced, so that the same be not less than one hundred and twenty, nor more than one hundred and fifty.

6. Resolved, that no person ought to be elected a member of the Senate of this State, who is not at least thirty years of age.

7. Resolved, that no person ought to be elected a member of the House of Delegates of this State, who is not at least twenty-five years of age.

8. Resolved, that it ought to be provided, that in all elections for members of either branch of the General Assembly, and in the election of all officers which may be required to be made by the two Houses of Assembly, jointly, or in either separately, with the exception of the appointment of their own officers, the votes should be given openly, or *viva voce*, and not by ballot.

9. Resolved, that no man shall be compelled to frequent or sup-



port any religious worship, place, or ministry whatsoever; nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

That the Legislature shall have no power to prescribe any religious test whatever, nor to establish by law any subordination or preference between different sects or denominations, nor confer any peculiar privileges or advantages on any one sect or denomination, over others; nor pass any law, requiring or authorising any religious society, or the people of any district within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house for public worship, or the support of any church or ministry, but that it be left free to every person to select whom he pleases as his religious instructor, and to make for his support, such private contract as he pleases: Provided, however, that the foregoing clauses shall not be so construed, as to permit any Minister of the Gospel, or Priest of any denomination, to be eligible to either House of the General Assembly.

10. Resolved, that no bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts, ought to be passed.

11. Resolved, that private property ought not to be taken for public uses without just compensation.

12. Resolved, that the members of the Legislature shall receive for their services a compensation, to be ascertained by law, and paid out of the public treasury; but no law increasing the compensation of members of the Legislature shall take effect until the end of the next annual session after the said law may have been enacted.

13. Resolved, that no Senator or Delegate shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people.

On motion of Mr. *Madison*,

Ordered, that the said report be laid upon the table, and printed for the use of the Convention.

On motion of Mr. *Leigh* of *Chesterfield*, the resolution offered by him on the 21st instant, was taken up, and agreed to as follows:

Resolved, that it be a standing order of the Convention, that the Convention shall every day resolve itself into a committee of the whole Convention, to consider the existing Constitution of the Commonwealth, and such propositions for amendment or alteration thereof, as shall be referred to, or made in the said committee.

On motion of Mr. *Madison*,

Ordered, that the report of the committee appointed on the Le-

gislative Department of Government, be referred to the committee of the whole House on the state of the Constitution.

On motion of Mr. *Giles*,

Ordered, that the report of the committee on the Executive Department of Government, be referred to the same committee.

On motion of Mr. *Powell*,

Ordered, that the proposition some days since submitted by him as a substitute for the report of the committee on the Executive Department of Government, be referred to the said committee.

On motion of Mr. *Marshall*,

Ordered, that the committee of the whole House, to whom was referred the report of the committee on the Judicial Department of Government, be discharged from the farther consideration of the said report, and that the same be referred to the committee of the whole House on the state of the Constitution.

On motion of Mr. *Leigh* of *Chesterfield*,

Ordered, that all the reports made by the select committees, and all the propositions heretofore submitted to the Convention, intended as substitutes for, or amendments to, the said reports, be likewise referred to the said committee of the whole House on the state of the Constitution.

Mr. *Fitzhugh* submitted the following resolutions, which were ordered to be referred to the said committee of the whole House, and be printed for the use of the Convention, viz :

1. Resolved, that the State ought to be divided once in every years into election districts, containing as nearly as possible, equal portions of white population ; and that each district should be entitled to one Senator and Delegates ; the former to be elected by the whole district, and the latter to be distributed amongst, and elected by, the counties composing the district, as nearly as possible, in proportion to their white population.

2. Resolved, that the power of the Legislature to impose taxes, ought to be so limited, as to prohibit the imposition on property, either real or personal, of any other than an "*ad valorem*" tax ; and that in apportioning this tax, either for State or County purposes, the whole visible property (household furniture and wearing apparel excepted) of each individual in the community, ought to be valued, and taxed only in proportion to its value : Provided, however, that no individual, whose property (with the above exception) does not exceed in value dollars, ought to be subject to any property tax whatever : And provided, moreover, that the Legislature may impose on all professions and occupations, usually resorted to as a means of support, such tax as may be deemed reasonable.

3. Resolved, that, to prevent an unfair distribution of the revenue of the Commonwealth, the Legislature ought to be prohibited from making appropriations (except by the votes of two thirds of

the members of both its branches) to any road or canal, until three-fifths of the amount necessary to complete such road or canal, shall have been otherwise subscribed, and either paid or secured to be paid as the law may direct.

4. Resolved, that the right of suffrage ought to be extended to all free male white citizens of twenty-one years of age and upwards, who, having been for                    months preceding the election, freeholders or house-keepers in the county where they offer to vote, shall, within that time, have been assessed on property (exclusive of household furniture and wearing apparel) exceeding in value                    dollars, or in a tax other than a property tax, of the amount of                    dollars, and shall have actually paid all the taxes with which they may have been legally charged, during the current year.

Mr. Claytor submitted the following resolutions, which were ordered to be referred to the said committee of the whole House, on the state of the Constitution, and be printed for the use of the Convention, viz :

1. Resolved, that the right of suffrage belongs to, and ought to be exercised by, all free white male citizens of this Commonwealth, who have attained the age of twenty-one years, and are able to give sufficient evidence of "attachment to, and a permanent common interest with, the community."

2. Resolved, that nativity, or residence, within the Commonwealth, for a sufficient time, and the payment of all taxes imposed, and performance of all public duties required by the laws of this Commonwealth, ought to be deemed such sufficient evidence.

3. Resolved, therefore, that the right of suffrage ought to be exercised and enjoyed by all free white male citizens of this Commonwealth, who have attained the age of twenty-one years; except, 1st, paupers; 2d, persons convicted of infamous crimes; 3d, persons of unsound mind; 4th, persons who have refused or failed to pay all taxes assessed or imposed upon them by law, for the year next preceding any election at which they may offer to vote; 5th, persons in the military or naval service of the United States, or of this State; and 6th, persons not native born citizens of this Commonwealth, who have not resided at least three years within the same, and one year in the county, city, borough or election district, in which they may respectively offer to vote, and been regularly assessed for taxation; and if liable to militia duty, enrolled in the militia of the same: Provided, however, that this last restriction shall not be so construed as to deprive any person of the right of suffrage, who had under this Constitution previously been qualified to exercise the same in any county, city, borough or election district, of this State: And provided, moreover, that whenever any question arises as to the right of an individual to vote, the *onus probandi* shall be upon the person claiming the right.

On motion of Mr. Doddridge,

Resolved, that all the reports of the select committees, and the various propositions submitted to the Convention, by the members thereof, intended as substitutes for, or amendments to, the said reports, be re-printed, collectively, for the use of the Convention.

Mr. Campbell of Brooke, submitted resolutions, which were read as follows :

1. Resolved, that all persons now by law possessed of the right of suffrage, have sufficient evidence of permanent common interest with, and attachment to, the community, and have the right of suffrage.

2. Resolved, that all free white males of twenty-three years of age, born within this Commonwealth, and resident therein, have sufficient evidence of permanent common interest with, and attachment to, the community, and have the right of suffrage.

3. Resolved, that every free white male of twenty-one years of age, not included in the two preceding resolutions, who is now a resident, or who may hereafter become a resident within this Commonwealth, who is desirous of having the right of suffrage in this Commonwealth, shall, in open court, as may be prescribed by law, make a declaration of his intention to become a permanent resident in this State, and if such person shall, six months after making such declaration, solemnly promise to submit to and support the government of this Commonwealth, and if he shall not have been convicted of any high crime or misdemeanor against the laws of this Commonwealth, such person shall be considered as having permanent common interest with, and attachment to, the community, and shall have the right of suffrage.

*SUBSTITUTE for the 1st Resolution of the Report of the Judicial Committee.*

Resolved, that the Judicial power shall be vested in a Court of Appeals, and in such inferior Courts as the Legislature shall from time to time ordain and establish. The jurisdiction of these tribunals shall be regulated by law. The Judges of the Court of Appeals and of the inferior Courts shall hold their offices during good behaviour, or until removed in the manner prescribed in this Constitution; and shall, at the same time, hold no other office, appointment or public trust; and the acceptance thereof by either of them, shall vacate his Judicial office.

*SUBSTITUTE for the 5th Resolution.*

1. Resolved, that the counties, cities and boroughs shall be divided into wards for the apportionment of Justices of the Peace among the people; and the persons authorized to vote for members

of the General Assembly in each ward, shall elect the Justices of the Peace therein, who shall be commissioned to continue in office for the term of                years, but removeable for any bribery, corruption, or other high crime or misdemeanor, by indictment or information, in any Court holding jurisdiction thereof.

2. Resolved, that the Constables shall in like manner be elected annually in said wards.

#### SUBSTITUTE for the 6th Resolution.

Resolved, that the appointment of the Clerks of the several Courts, and their tenure of office, shall be regulated by law.

On motion of Mr. *Campbell* of *Brooke*,

Ordered, that the said resolutions be referred to the committee of the whole House on the state of the Constitution, and be printed for the use of the Convention.

On motion of Mr. *Stanard*,

Resolved, that when the Convention adjourns to-day, it will adjourn until Monday 11 o'clock.

And then, on motion of Mr. *Doddridge*, the Convention adjourned accordingly.

MONDAY, OCTOBER 26, 1829.

Mr. *Morgan* submitted resolutions, which were read as follows :

Resolved, that the legislative power shall be vested in the General Assembly of Virginia, which shall consist of a Senate and House of Delegates: but no minister of the gospel, of any denomination, or person holding any lucrative office, place or appointment, shall be a Senator or Delegate.

The Senate shall consist of thirty-two Senators; a majority of whom, and no less, shall form a quorum to do business; for whose election the State shall be divided, from time to time, as equally as may be, according to the number of free white citizens, into sixteen districts, and at the first election there shall be two Senators chosen in each district; the Senator having the greatest number of votes, for the term of four years; the other for the term of two years: And to keep up the succession, every second year thereafter one Senator shall be chosen in each district, for the term of four years; but no person shall be a Senator, who shall not be a free white male citizen of the Commonwealth, of the age of twenty-five years, and an actual resident freeholder of his district, at the time of election.

The House of Delegates shall consist of not less than sixty-four, nor more than one hundred and seventy-six Delegates, who shall be apportioned among the people, and chosen annually, in such manner that one equal sixteenth part of the whole number shall be elected in each Senatorial District: but no person shall be a Delegate, who shall not be a free white citizen, of the age of twenty-one years, and an actual resident of his Senatorial District, at the time of election.

Each House shall have power to appoint its own officers; settle its own rules of proceeding; judge the qualifications, and determine the contested elections of its own members; issue writs of election to supply vacancies occurring during the sessions; originate bills; and adjourn without the consent of the other; but all laws shall be wholly approved and passed by both Houses.

The General Assembly shall meet once, or oftener, in every year, and the members thereof shall be exempt from arrest, and enlarged from imprisonment, in all cases except treason, felony or perjury, during their sessions; and for the term of twenty days before and after: and no disqualification, prohibition or test, shall ever be declared, imposed or required, by law, whereby to change or alter the eligibility of any person qualified under this Constitution, to be a Senator or Delegate. But all Senators and Delegates, before they shall enter upon the discharge of their duties, in presence of some person authorised to administer the same, shall make oath or solemn affirmation, in this form, to wit: *I do declare myself to be a citizen of the Commonwealth of Virginia, owing no allegiance to any foreign Power, Prince or State; and I do swear (or affirm) that I will be faithful and true to the said Commonwealth of Virginia, so long as I continue a citizen thereof; and that I will faithfully, impartially and justly, according to the best of my skill and judgment, perform the duties of my office of (Senator or Delegate): So HELP ME GOD.*

That all free white men of this Commonwealth, are of right, and forever shall be, equally free and independent; and suffrage, without regard to birth, or condition of estate, being the indefeasible right of every such effective man, having permanent common interest with, and attachment to, the community, it is declared to belong to, and, in the election of representatives in the General Assembly, shall be exercised by, all free white male citizens of the Commonwealth, of the age of twenty-one years, who shall reside in the county, city or borough in which they respectively propose to vote, and shall have so resided for one whole year next before the time of election, other than those who shall have failed in this Commonwealth to pay any public tax or levy, or part thereof, within either of the two years next preceding the one in which they propose to vote; or paupers; or those under judgment of felony, or other infamous crime; or soldiers, mariners or marines in the ser-

vice of the State, or of the United States: And that the right of suffrage may be exercised only by persons disposed for the prosperity and well being of the Commonwealth, there shall be a tax of twenty-five cents per annum levied on every free white man of the age of twenty-one years, to be collected and paid into the public treasury; and the Legislature shall annually set apart an amount of the property tax, equal to the whole amount of poll tax so paid in, and these two sums shall be annually appropriated, and constitute a principal fund, always to be preserved, and vested in profitable stocks, or put to profitable uses, the interest and profit whereof, shall, in the best manner, be applied every year to the education of the youth of Virginia.

On motion of Mr. *Morgan*,

Ordered, that the same be referred to the committee of the whole Convention, on the state of the Constitution.

The Order of the Day being read, on motion of Mr. *Leigh* of *Chesterfield*, the Convention resolved itself into a committee of the whole Convention, to take into consideration the state of the Constitution, Mr. *Barbour* of *Orange* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Barbour* of *Orange* reported, that the said committee had taken the subjects referred to them under consideration, but had agreed to no resolution thereupon.

On motion of Mr. *Doddridge*, the Convention then adjourned until to-morrow 11 o'clock.

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## TUESDAY, OCTOBER 27, 1829.

The Order of the Day being read, on motion of Mr. *Scott*, the Convention resolved itself into a committee of the whole Convention, to take into consideration the state of the Constitution, Mr. *Barbour* of *Orange* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Barbour* of *Orange* reported, that the said committee had taken into consideration the subjects to them referred, but had agreed to no resolution thereupon.

Whereupon, on motion of Mr. *Leigh* of *Chesterfield*, the Convention adjourned until to-morrow 11 o'clock.

## WEDNESDAY, OCTOBER 28, 1829.

Mr. *Fitzhugh*, from the committee appointed to enquire into the compensation proper to be allowed the officers of the Convention, presented a report, which was read as follows :

The committee appointed to enquire into and report on the compensation to be allowed the officers of the Convention, have agreed to the following resolution :

Resolved, that five dollars per day be allowed each of the clerks of the committees of this Convention, for every day's actual attendance on said committees.

The said resolution was, on the question put thereupon, agreed to by the Convention.

The Order of the Day being read, on motion of Mr. *Doddridge*, the Convention resolved itself into a committee of the whole Convention, on the state of the Constitution, Mr. *Barbour of Orange* in the chair ; and after some time spent therein, the *President* resumed the chair, and Mr. *Barbour of Orange* reported, that the said committee had taken into consideration the subjects referred to them, but had adopted no resolution thereupon.

Whereupon, on motion of Mr. *Johnson*, the Convention adjourned until to-morrow 11 o'clock.

## THURSDAY, OCTOBER 29, 1829.

The Order of the Day being read, on motion of Mr. *Doddridge*, the Convention resolved itself into a committee of the whole Convention, to take into consideration the state of the Constitution, Mr. *Stanard* in the chair ; and after some time spent therein, the *President* resumed the chair, and Mr. *Stanard* reported, that the said committee had taken the subjects referred to them into consideration, but had agreed to no resolution thereupon.

On motion of Mr. *Leigh of Chesterfield*, the Convention then adjourned until to-morrow 11 o'clock.



## FRIDAY, OCTOBER 30, 1829.

The Order of the Day being read, on motion of Mr. *Summers*, the Convention resolved itself into a committee of the whole Convention, on the state of the Constitution, Mr. *Stanard* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Stanard* reported, that the said committee had taken into consideration the subjects referred to them, but had agreed to no resolution thereupon.

Mr. *Waller Holladay*, a delegate elected to supply the vacancy in the delegation of the ninth District, occasioned by the resignation of *David Watson*, esq. appeared and took his seat.

On motion of Mr. *Leigh* of *Chesterfield*, the Convention adjourned until to-morrow 11 o'clock.

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## SATURDAY, OCTOBER 31, 1829.

The Order of the Day being read, on motion of Mr. *Scott*, the Convention resolved itself into a committee of the whole Convention, on the state of the Constitution, Mr. *Stanard* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Stanard* reported, that the said committee had, according to order, taken the subjects referred to them into consideration, but adopted no resolution thereupon.

On motion of Mr. *See*,

Resolved, that when the Convention adjourns to-day, it will adjourn until Monday 10 o'clock.

And then, on motion of Mr. *See*, the Convention adjourned accordingly.

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## MONDAY, NOVEMBER 2, 1829.

The Order of the Day being read, on motion of Mr. *Leigh* of *Chesterfield*, the Convention resolved itself into a committee of the whole Convention, on the state of the Constitution, Mr. *Stanard* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Stanard* reported, that the said committee had, according to order, taken the subjects referred to them into consideration, but had adopted no resolution thereupon.

Whereupon, on motion of *Mr. Doddridge*,

Resolved, that when the Convention adjourns to-day, it will adjourn until to-morrow 11 o'clock.

And then, on motion of *Mr. Johnson*, the Convention adjourned accordingly.

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## TUESDAY, NOVEMBER 3, 1829.

The Order of the Day being read, on motion of *Mr. Powell*, the Convention resolved itself into a committee of the whole Convention, on the state of the Constitution, *Mr. Stanard* in the chair; and after some time spent therein, the *President* resumed the chair, and *Mr. Stanard* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had agreed to no resolution thereupon.

On motion of *Mr. Scott*, the Convention then adjourned until to-morrow 11 o'clock.

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## WEDNESDAY, NOVEMBER 4, 1829.

The Order of the Day being read, on motion of *Mr. Leigh of Chesterfield*, the Convention resolved itself into a committee of the whole Convention, on the state of the Constitution, *Mr. Stanard* in the chair; and after some time spent therein, the *President* resumed the chair, and *Mr. Stanard* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had agreed to no resolution thereupon.

On motion of *Mr. Fitzhugh*, the Convention then adjourned until to-morrow 11 o'clock.

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## THURSDAY, NOVEMBER 5, 1829.

The Order of the Day being read, on motion of *Mr. Taylor of Chesterfield*, the Convention resolved itself into a committee of the whole Convention, on the state of the Constitution, *Mr. Stanard* in

the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Stanard* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had adopted no resolution thereupon.

And then, on motion of Mr. *Johnson*, the Convention adjourned until to-morrow 11 o'clock.

### FRIDAY, NOVEMBER 6, 1829.

Mr. *Townes* submitted to the Convention the following resolution, viz:

**Resolved**, that on all propositions for laying the taxes, or appropriating the public money, or for the loan of money upon the credit of the State; the votes of the members of both branches of the General Assembly, representing the divisions of the State hereafter mentioned, shall avail in proportion to the amount of public revenue collected in each division of the preceding year. A majority of the members from each division, shall give the vote of the division, to which end that part of the State, which is composed of the counties of                      shall be one division; that part which is composed of the counties of                      shall be another division; that part which is composed of the counties of                      shall be another division; and that part which is composed of the counties of                      shall be another division.

On motion of Mr. *Townes*,

Ordered, that the said resolution be referred to the committee of the whole Convention on the state of the Constitution.

The *President* laid before the Convention a letter from the Synod of the Presbyterian Church, which was read as follows:

*The Honourable* JAMES MONROE,  
*President of the Convention.* }

At the Sessions of the Synod of Virginia, held in the First Presbyterian Church in the City of Richmond, on the 31st of October, A. D. 1829, the following resolution was *unanimously* adopted:

**Resolved, unanimously**, that the Synod of Virginia have observed with great satisfaction, that the Convention now assembled to form a new Constitution for the people of this Commonwealth, are proposing, and doubtless intending to preserve and perpetuate, the sacred principle, *Liberty of Conscience*, declared in the Bill of Rights, and developed in the Act establishing Religious Freedom, as a part of the fundamental law of the land; and they do hereby solemnly proclaim, that they continue to esteem and cherish that

principle, for which the Presbyterian Church in this State, and throughout the United States, have ever zealously and heartily contended, as the clearest right and the most precious privilege that freemen can enjoy.

Resolved, that John H. Rice, D. D. Conrad Speece, D. D. and William Maxwell, be a committee to communicate a copy of the foregoing resolution to the President of the Convention, to be very respectfully submitted to that body at such time as he shall deem most proper and convenient.

WM. HILL, *Moderator.*

FRANCIS M'FARLAND, *Clerk of Synod.*

On motion of Mr. Naylor,

Ordered, that the said letter be laid upon the table.

The Order of the Day being read, on motion of Mr. Fitzhugh, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. Powell in the chair; and after some time spent therein the President resumed the chair, and Mr. Powell reported that the said committee had, according to order, taken into consideration the subjects referred to them, but had adopted no resolution thereupon.

And then, on motion of Mr. Wilson, the Convention adjourned until to-morrow, eleven o'clock.

## SATURDAY, NOVEMBER 7, 1829.

The President laid before the Convention a letter from Robert B. Taylor, esq. which was read as follows :

SIR,

Many of my constituents, have instructed me to support the proposed plan of apportioning representation, with regard to white population, and taxation combined; and I have reason to believe, that a large majority of the people of my district concur in the desire, expressed in those instructions.

It is due to myself to prevent all misconception of my official conduct. I was elected to this body, with the full knowledge of my constituents, that I favored reforms in the existing Constitution. I came here untrammelled by instructions; and restrained by no pledges. I am unfortunate, indeed, in this, that my opinions do not harmonize with those of my constituents; but I have disappointed no expectation; violated no engagement; betrayed no trust.

Having always believed, and maintained, that the value of representative government mainly depends on the principle, that representation is only a mean, whereby the deliberate will of the constituent body is to be expressed and effectuated, no act of mine shall ever impair the principle. Had my constituents instructed me, on some matter of mere expediency, or required me to perform any thing, which was possible, it would have afforded me pleasure to testify, with how cheerful a submission, I would give effect to their opinions, rather than my own. But they ask what is impossible: They require me to violate my conscience, and the sentiments of filial devotion, which I owe to my country.

Believing, (as I conscientiously do,) that the measure I am instructed to support, is hostile to free institutions; destructive of equality of right among our citizens; and introductive of a principle, that a minority, on account of superior wealth, shall rule the majority of the qualified voters of the State, I should be guilty of moral treason against the liberty of my native land, if I allowed myself to be the instrument by which this mischief is effected. In this state of mind, by executing the wishes of my constituents, I should justly subject myself to their reproaches, for my baseness; and to the more insufferable reproaches of my own conscience.

One mode only remains to reconcile my duties to my constituents, to the higher and more sacred duties I owe to myself, and my country: It is to resign the office, which they conferred upon me; and thereby to enable my colleagues to select a successor, who, more fortunate than I am, may give effect to their wishes, without violating any sentiment of private or public duty.

Allow me to ask, that this letter may have a place on your Journal. Forgive the feeling, which prompts this request. If any eye shall hereafter read my humble name, I wish, that the same page, which records my retirement from your service, may also record the motives (mistaken perhaps, but not unworthy) which occasioned it.

I leave the Convention, Sir, with sentiments of profound respect, and veneration for the virtue and talent, which ennoble, and adorn it. My heart will still attend your councils; and I shall not cease to supplicate the Almighty, that He may so inspire and direct them, that Virginia may be regenerated, united, free and happy.

I have the honor to be,

Your obedient servant,

ROBERT B. TAYLOR.

JAMES MONROE, Esq.

*President of the Convention.*

On motion of Mr. Mercer,

Ordered, that the said letter be laid upon the table.

The Order of the Day being read, on motion of Mr. *Dodridge*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had adopted no resolution thereupon.

And then, on motion of Mr. *M'Coy*, the Convention adjourned until Monday, eleven o'clock.

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### MONDAY, NOVEMBER 9, 1829.

Mr. *Hugh Blair Grigsby*, a Delegate elected by the remaining delegation from the Nineteenth Senatorial District, to supply the vacancy occasioned by the resignation of *Robert B. Taylor*, esq., appeared and took his seat.

The Order of the Day being read, on motion of Mr. *Summers*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had agreed to no resolution thereupon.

On motion of Mr. *Powell*, the Convention then adjourned until to-morrow, eleven o'clock.

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### TUESDAY, NOVEMBER 10, 1829.

The Order of the Day being read, on motion of Mr. *M'Coy*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had agreed to no resolution thereupon.

A motion was made by Mr. *Venable*, that the Convention adopt the following resolution, viz :

Resolved, that a committee be appointed to enquire whether a convenient room can be obtained for the sitting of the Convention

should they judge it expedient to retire from the Legislative Hall, and report.

And the question being put thereupon, was determined in the negative.

And then, on motion of Mr. *Morgan*, the Convention adjourned until to-morrow, eleven o'clock.

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### WEDNESDAY, NOVEMBER 11, 1829.

The Order of the Day being read, on motion of Mr. *Barbour of Orange*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had agreed to no resolution.

Whereupon, on motion of Mr. *Mason*, the Convention adjourned until to-morrow, eleven o'clock.

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### THURSDAY, NOVEMBER 12, 1829.

The Order of the Day being read, on motion of Mr. *Doddridge*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken the subjects referred to them into consideration, but had agreed to no resolution.

Whereupon, on motion of Mr. *Leigh of Chesterfield*, the Convention adjourned until to-morrow, eleven o'clock.

## FRIDAY, NOVEMBER 13, 1829.

The Order of the Day being read, on motion of Mr. *Leigh* of *Chesterfield*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had agreed to no resolution.

Whereupon, on motion of Mr. *Powell*, the Convention adjourned until to-morrow, eleven o'clock.

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## SATURDAY, NOVEMBER 14, 1829.

The Order of the Day being read, on motion of Mr. *Doddridge*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had adopted no resolution.

And then, on motion of Mr. *Leigh* of *Chesterfield*, the Convention adjourned until Monday, eleven o'clock.

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## MONDAY, NOVEMBER 16, 1829.

The *President* laid before the Convention the following letter, which being read, was, on motion of Mr. *Dromgoole*, ordered to be laid upon the table.

RICHMOND, 11th Month 16th, 1829.

*Respected Friend,*

JAMES MONROE, *President of the Convention.*

Elisha Bates, a Minister in the religious Society of Friends, respectfully requests the opportunity of a religious meeting, with the members of the Convention, this evening at five o'clock.

ELISHA BATES.



Mr. *Henderson* presented a memorial from the non-freeholders of the county of Loudoun, asking the extension of the elective franchise, which, on his motion, was ordered to be referred to a committee of the whole Convention on the state of the Constitution.

The Order of the Day being read, on motion of Mr. *Scott*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had agreed to no resolution.

And then, on motion of Mr. *Macrae*, the Convention adjourned until to-morrow, eleven o'clock.

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#### TUESDAY, NOVEMBER 17, 1829.

The Order of the Day being read, on motion of Mr. *Scott*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken the subjects referred to them into consideration, and had made some progress therein.

On motion of Mr. *Mercer*,

Resolved, that when the Convention adjourns to-day, it will adjourn until to-morrow morning, ten o'clock.

And then, on motion of Mr. *Leigh* of *Chesterfield*, the Convention adjourned accordingly.

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#### WEDNESDAY, NOVEMBER 18, 1829.

Mr. *Massie* presented a memorial from sundry persons in the county of Nelson, praying that the Constitution may be amended so as to deprive the county courts of the self-creating power, vested in the said courts; which on his motion, was ordered to be referred to the committee of the whole Convention on the state of the Constitution.

The Order of the Day being read, on motion of Mr. *Wilson*, the Convention resolved itself into a committee of the whole Con-

vention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had agreed to no resolution.

On motion of Mr. *Leigh* of *Chesterfield*,

Resolved, that when the Convention adjourns to-day, it will adjourn until to-morrow, eleven o'clock.

And then, on motion of Mr. *Doddridge*, the Convention adjourned accordingly.

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#### THURSDAY, NOVEMBER 19, 1829.

The Order of the Day being read, on motion of Mr. *Powell*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had agreed to no resolution.

On motion of Mr. *Doddridge*,

Resolved, that the proposition submitted in committee of the whole Convention by Mr. *Pleasants*, and the substitute offered thereto by Mr. *Scott*, be printed for the use of the Convention.

And then, on motion of Mr. *Mason*, the Convention adjourned until to-morrow, eleven o'clock.

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#### FRIDAY, NOVEMBER 20, 1829.

A motion was made by Mr. *Thompson*, that the Convention adopt the following resolution, viz:

Resolved, that during the remainder of the Session of this Convention, the 22d rule thereof shall be observed in the committee of the whole, and that it shall be the duty of the Clerk hereafter to keep a Journal of the proceedings of said committee, and to insert in such Journal, if they can be ascertained, all the proceedings heretofore had therein.

And the question being put thereupon, was determined in the negative—Ayes 39, Noes 51.

On motion of Mr. Gordon, (seven members present concurring,) Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative are :*

Messrs. William O. Goode,	Messrs. Gordon Cloyd,
William Anderson,	Henley Chapman,
Samuel Coffinan,	John P. Mathews,
Jacob Williamson,	William Oglesby,
William M'Coy,	Edwin S. Duncan,
Samuel M'D. Moore,	John Laidley,
Andrew Beirne,	Lewis Summers,
William Smith,	Adam See,
John Baxter,	Philip Doddridge,
Charles F. Mercer,	Charles S. Morgan,
Richard H. Henderson,	Alexander Campbell,
John R. Cooke,	Eugenius M. Wilson,
Hierome-L. Opie,	Samuel Claytor,
William Naylor,	James Saunders,
William Donaldson,	Benj. W. S. Cabell,
Elisha Boyd,	Joseph Martin,
John B. George,	William F. Gordon,
Andrew M'Millan,	Lucas P. Thompson,
Edward Campbell,	Thomas R. Joynes—89.
William Byars,	

*And the names of the gentlemen who voted in the negative are :*

Messrs. James Monroe, (Pres't.)	Messrs. John Urquhart,
John W. Jones,	John Randolph,
Benjamin W. Leigh,	William Leigh,
Samuel Taylor,	Richard Logan,
William H. Brodnax,	Richard N. Venable,
George C. Drömgoole,	James Madison,
Mark Alexander,	Philip P. Barbour,
John Marshall,	Robert Stanard,
John Tyler,	Waller Holladay,
Philip N. Nicholas,	Alfred H. Powell,
John B. Clopton,	Thomas Griggs, jun.
Peachy Harrison,	Philip C. Pendleton,
Briscoe G. Baldwin,	John Roane,
Chapman Johnson,	William P. Taylor,
Fleming B. Miller,	Richard Morris,
John Y. Mason,	James M. Garrett,
James Trezvant,	John S. Barbour,
Augustine Claiborne,	John Scott,

Messrs. John Macrae,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 H. B. Grigsby,  
 George Townes,  
 James Pleasants,  
 Thomas Massie, jun.

Messrs. John Taliaferro,  
 Fleming Bates,  
 A. Neale,  
 A. F. Rose,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin—51.

The Order of the Day being read, on motion of Mr. *Doddridge*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair, and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had made no farther progress than already reported.

And then, on motion of Mr. *Macrae*, the Convention adjourned until to-morrow, eleven o'clock.

#### SATURDAY, NOVEMBER 21, 1829.

The Order of the Day being read, on motion of Mr. *Thompson*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had made no farther progress.

And then, on motion of Mr. *Powell*, the Convention adjourned until Monday, eleven o'clock.

#### MONDAY, NOVEMBER 23, 1829.

The *President* laid before the Convention a letter from *John Taliaferro*, a delegate from the twenty-third district, which was read as follows:

RICHMOND, 23d Nov. 1829.

SIR,

A domestic occurrence, which threatens the most serious family affliction, demands my immediate presence at home. In

obeying this call, my first object is to provide, in the most effectual manner for the future execution of the important trust with which I am now charged ; and as I do not, under existing circumstances, consider it safe and proper, that the district, in whose delegation I am associated, should be left by me without its entire representation, my decision is, to resign. I therefore beg leave; through you, to announce to the Convention that my right to a seat in that assembly is hereby vacated : my colleagues will proceed at once to execute the function which the act of Assembly in such a case, devolves on them. May I be allowed to say, that very many considerations combine to excite in me feelings of deep regret at the necessity I am under to withdraw myself from the Convention, and to add, that no considerations, certainly none personal to myself could prevail on me to do so, unless the power existed to supply my place without possible embarrassment to my constituents, from my resignation. I cannot in justice to my feelings, close this communication and not express the cordial hope, that the result of the work in which you are engaged, may unite, in harmonious accord, the affections and interests, of all the citizens of this Commonwealth ; and, that with sentiments, Sir, of the most profound respect for you, and for the body in which you preside, I am your friend and fellow-citizen,

JOHN TALIAFERRO.

*To the Honorable JAMES MONROE,* }  
*President of the Convention, Richmond.* }

On motion of *Mr. Neale*,

Ordered, that the said letter be laid upon the table.

*Mr. Neale* then informed the Convention, that the remaining delegates from the said district had elected *John Coalter, esq.* to supply the vacancy created by the said resignation ; whereupon, *Mr. Coalter* appeared and took his seat.

The Order of the Day being read, on motion of *Mr. Powell*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, *Mr. Powell* in the chair ; and after some time spent therein, the *President* resumed the chair, and *Mr. Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, and had made farther progress therein.

And then, on motion of *Mr. Powell*, the Convention adjourned until to-morrow, eleven o'clock.

## TUESDAY, NOVEMBER 24, 1829.

The Order of the Day being read, on motion of Mr. *Doddridge*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, and made farther progress therein.

And then, on motion of Mr. *Neale*, the Convention adjourned until to-morrow, eleven o'clock.

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## WEDNESDAY, NOVEMBER 25, 1829.

The Order of the Day being read, on motion of Mr. *McCoy*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Powell* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Powell* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, and had made farther progress therein.

On motion of Mr. *Massie*,

Ordered, that the proposition submitted by Mr. *Gordon* in committee of the whole Convention, be printed for the use of the members of the Convention.

On motion of Mr. *Goode*,

Ordered, that the amendment proposed by Mr. *Doddridge* to the second resolution of the Legislative committee, in committee of the whole Convention, be printed for the use of the Convention.

Mr. *Mercer* submitted the following resolution:

Resolved, that all taxes on lands, slaves and horses, shall be founded on a fair assessment of their value; that no one of these subjects shall be taxed separately from the other two, and that when taxed, the same rate shall be charged and levied upon all.

On motion of Mr. *Mercer*,

Ordered, that the said resolution be referred to the committee of the whole Convention and be printed for the use of the Convention.

And then, on motion of Mr. *Powell*, the Convention adjourned until to-morrow, eleven o'clock.

THURSDAY, NOVEMBER 26, 1829.

On motion of Mr. *Mason*,

Resolved, that the committee of the whole Convention be invested with power to direct any document in their opinion necessary to the despatch of the public business, to be printed for the use of the said committee.

The Order of the Day being read, on motion of Mr. *Mercer*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Barbour* of *Orange* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Barbour* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, and had made additional progress therein.

The *President* laid before the Convention a letter from *Calohill Mennis*, esq. one of the delegates from the twentieth district, which was read as follows:

RICHMOND, Nov. 26, 1829.

SIR,

My health having become so feeble as to prevent my discharging the duties of a member of the Convention, I resign my seat.

With high respect,

CALOHILL MENNIS.

The Honorable JAMES MONROE,  
President of the Convention. }

On motion of Mr. *Claytor*,

Ordered, that the said letter be laid upon the table.

Mr. *Claytor* then announced to the Convention, that the remaining delegates from the said district, had elected *Samuel Branch*, esq. to supply the vacancy thus occasioned.

On motion of Mr. *Claytor*,

Resolved, that the Sergeant at Arms be directed forthwith, to notify *Samuel Branch*, esq. of his election to a seat in this Convention.

And then, on motion of Mr. *Stanard*, the Convention adjourned until to-morrow, eleven o'clock.

## FRIDAY, NOVEMBER 27, 1829.

The Order of the Day being read, on motion of Mr. *Mercer*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Barbour* of *Orange* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Barbour* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, and had made additional progress therein, but had not finally acted upon the same.

And then, on motion of Mr. *Johnson*, the Convention adjourned until to-morrow, eleven o'clock.

## SATURDAY, NOVEMBER 28, 1829!

The Order of the Day being read, on motion of Mr. *Opie*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Barbour* of *Orange* in the chair; and after some-time spent therein, the *President* resumed the chair, and Mr. *Barbour* of *Orange* reported; that the said committee had, according to order, taken into consideration the subjects referred to them, and had made further progress therein, but had not yet finally acted thereupon.

And then, on motion of Mr. *Doddridge*, the Convention adjourned until Monday, eleven o'clock.

## MONDAY, NOVEMBER 30, 1829.

Mr. *Upshur* submitted the following proposition, which being read, was on his motion, ordered to be referred to the committee of the whole Convention, and be printed for the use of the members thereof:

Resolved, that the House of Delegates shall consist of one hundred and twenty members, of which there shall be chosen, for the First District, or District west of the Alleghany mountain, - - - - - 26

For the Second District, or District of the Valley, - - - - - 22



For the Third District, or District between the Blue Ridge and the head of tide-water,	-	-	-	-	38
For the Fourth District, or District between the head of tide-water and the ocean,	-	-	-	-	34
Resolved, that the Senate shall consist of thirty members, of which there shall be chosen for the First District, aforesaid,					7
For the Second District, aforesaid,	-	-	-	-	6
For the Third District, aforesaid,	-	-	-	-	9
For the Fourth District, aforesaid,	-	-	-	-	8

Resolved, that the Legislature shall have power, to re-arrange the representation in both Houses of the General Assembly, once in every years, upon a fair average of the following ratios, viz : 1st, of white population : 2d, of white population and taxation combined : 3d, of the Federal numbers.

Provided, that the number of the House of Delegates shall never exceed 160, nor the number of the Senate, 40.

Mr. *Leigh of Chesterfield*, submitted the following proposition, which being read, was ordered to be referred to the committee of the whole Convention, and be printed for the use of the members thereof :

That representation in the House of Delegates be apportioned as follows :

The twenty-six counties lying west of the Alleghany shall have twenty-six Delegates ;

The fourteen counties lying between the Alleghany and Blue Ridge shall have twenty-three Delegates ;

The twenty-nine counties lying east of the Blue Ridge and above tide-water shall have forty-two Delegates ;

And the thirty-six counties and four towns lying on tide-water shall have thirty-five Delegates.

No more new counties shall ever be formed of the territory lying east of the Blue Ridge of mountains—but the Legislature may in its discretion, from time to time, a majority of the whole number of both Houses concurring, whensoever the increase of the population of the country west of the Blue Ridge and the more convenient administration of justice and police may require, form new counties, not exceeding eight, out of the territory west of the Blue Ridge, and whenever any such new county shall be formed, an additional Delegate shall be allowed to the country west of the Blue Ridge.

And the Legislature, having regard to the relative state of the population of the respective counties, cities and towns, and three-fifths of both Houses always concurring, may, at any time, form two or more contiguous counties into one district, for the election of one Delegate ; and may allow one or more additional Delegates to any county, city, town or district, so that none shall ever be allowed more than four Delegates ; and may reduce the number of

Delegates which may or shall be allowed to any county, city or town, to which more than one Delegate may in the first instance be allowed, so that each be allowed at least one: Provided, that the number of the House of Delegates shall never exceed one hundred and fifty.

Mr. *Cooke* submitted the following proposition, which being read, was ordered to be referred to the committee of the whole Convention, and be printed for the use of the members thereof:

Resolved, that in the opinion of this committee, the Legislative Department of the Government of this Commonwealth should consist of a Senate containing thirty-six, and a House of Delegates containing one hundred and twenty members.

That the principle of representation in the House of Delegates should be the equal representation, as nearly as may be, of the free white people in every part of the Commonwealth.

That the principle of representation in the Senate should be the equal representation, as nearly as may be, of all free persons taken in connection with three-fifths of all other persons, in every part of the Commonwealth; or, in other words, the equal representation; throughout the Commonwealth, of what is familiarly called "Federal numbers."

That an apportionment should be made, as soon as may be, after the next Census which shall be taken under the authority of the United States, of the members of the two Houses respectively, on the principles above stated, throughout the Commonwealth.

That in default of a Census by the Government of the United States, in 1830, or at any future Constitutional period, it should be the duty of the Legislature to cause a Census of the population of this Commonwealth to be taken, as soon as may be after such default shall occur.

That it should be competent to the Legislature to substitute a Census made under the authority of the State, for the Federal Census, if the latter, after it shall have been taken, shall be considered by the Legislature as inaccurate or imperfect: provided, however, that the next ensuing Federal Census, or that of 1830, shall be definitively taken, as the basis of the first apportionment.

That there should be, as soon as may be, after the organization of the Government under any new Constitution, or any amended Constitution which shall be adopted by the people of Virginia, on the recommendation of this Convention, and at the expiration of every ten years thereafter, an assessment of all the lands subject to taxation, within the limits of the Commonwealth.

Mr. *Campbell* submitted the following proposition, which being read, was ordered to be referred to the committee of the whole Convention, and be printed for the use of the members thereof:

1. The whole State shall be divided into one hundred Delegate districts, and twenty-four Senatorial districts, after each and every

Census, according to the white population; so that the House of Delegates and the Senate shall never exceed together, more than one hundred and twenty-four members.

2. The taxes imposed upon every species of property shall be *ad valorem*, and on a fixed ratio between real and personal property.

3. The appropriations of the revenue for any other purpose than the payment of the expenses of Government, for any improvements east or west of the Blue Ridge, shall be always in exact proportion to the amount of taxes paid by the citizens east and west of that ridge of mountains.

4. The revenue resulting from any improvements which shall hereafter be made in the east or the west, shall belong to that section of the State in which said improvements are made.

5. Any roads which may be made over the Blue Ridge mountain, shall be made at the expense of the whole State, in equal proportion to the taxes paid by the eastern and the western divisions of the State; and the tolls thence accruing, shall in the same proportion be distributed between the east and the west.

Mr. *Marshall* submitted a calculation for the arrangement of the representation in both branches of the Legislature, which, on motion of Mr. *Nicholas*, was ordered to be referred to the committee of the whole Convention, and be printed for the use of the members thereof.

A motion was made by Mr. *Johnson*, that the committee of the whole Convention be discharged from the consideration of the various propositions just referred to the said committee, and that the same be referred to a committee of seven, and the question being put thereupon, was determined in the negative.

On motion of Mr. *Nicholas*,

Resolved, that a committee of three be appointed to enquire into the expediency of providing other accommodations for the Convention.

Ordered, that Messrs. *Nicholas*, *Johnson* and *Leigh* of *Chesterfield*, constitute the said committee.

The Order of the Day being read, on motion of Mr. *Mercer*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Stanard* in the chair; and after some time spent therein, the President resumed the chair, and Mr. *Stanard* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, but had made no farther progress.

And then, on motion of Mr. *Neale*, the Convention adjourned until to-morrow, eleven o'clock.

TUESDAY, DECEMBER 1, 1829.

*Mr. Summers* submitted a proposition, which was read as follows :

Resolved, that each county ought to be divided into wards, so that there shall be not less than three, or more than seven, in any one county : that there ought to be elected in each ward, by the voters qualified to vote for members of the House of Delegates, one commissioner ; and that the commissioners elected in the several wards, ought to form a board of police for their respective counties,

Resolved, that the commissioners of police ought to go out of office, one at the end of each year, to be determined in the first instance by lot ; and that successors ought to be elected by their respective wards, to serve for a number of years equal to the number of commissioners in such county ; so that one commissioner of police may be chosen in each county at every annual election.

Resolved, that the boards of police ought to be charged with the superintendence and direction of the fiscal concerns of their respective counties, with power to assess, levy, and cause to be collected, all local, county, or ward taxes, and to direct the disbursement of the same ; to superintend all provisions and expenditures for the support of the poor ; and that the opening, preserving and improving of the public roads, and other highways, with the erection of bridges, and other public structures, ought to be confided to the boards of police.

Resolved, that it ought to be the duty of the several boards of police, from time to time, or whenever required by the Governor, to recommend to him suitable persons to fill the offices of justice of the peace, and to make any other recommendations, and perform such other duties, as may be required by law.

Resolved, that the proceedings of the several boards ought to be recorded and preserved by such officer as the General Assembly shall designate ; and that the commissioners ought to receive a moderate compensation for their services, to be ascertained by law, and paid out of the county funds.

Resolved, that each commissioner of police ought to be a conservator of the peace within his county ; and if holding no office or employment incompatible with that of justice of the peace, ought to be included in the commission of the peace.

On motion of *Mr. Summers*,

Ordered, that the said resolutions be referred to the committee of the whole Convention, and be printed for the use of the members thereof.

The Order of the Day being read, on motion of *Mr. Bayly*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, *Mr. Stanard* in the chair ;

and after some time spent therein, the *President* resumed the chair, and Mr. *Stanard* reported, that the said committee had, according to order, taken the subjects referred to them into consideration, and made farther progress therein, but had come to no definitive resolution.

And then, on motion of Mr. *Powell*, the Convention adjourned until to-morrow, eleven o'clock.

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### WEDNESDAY, DECEMBER 2, 1829.

Mr. *Samuel Branch*, a delegate elected by the remaining delegates of the 20th district, to supply the vacancy occasioned by the resignation of *Calohill Mennis*, Esq. appeared and took his seat.

The Order of the Day being read, on motion of Mr. *Powell*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Stanard* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Stanard* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, and made additional progress therein.

And then, on motion of Mr. *Johnson*, the Convention adjourned until to-morrow, eleven o'clock.

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### THURSDAY, DECEMBER 3, 1829.

The Order of the Day being read, on motion of Mr. *Doddridge*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Pleasants* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Pleasants* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, and made additional progress therein.

On motion of Mr. *Johnson*,

Ordered, that the proposition submitted by Mr. *Gordon* in the committee of the whole Convention, be printed for the use of the members of the Convention.

And then, on motion of Mr. *Dromgoole*, the Convention adjourned until to-morrow, eleven o'clock.

## FRIDAY, DECEMBER 4, 1829.

Mr. *Nicholas*, from the committee appointed to enquire into the expediency of providing accommodations for the Convention, presented a report, which being read, was, on motion of Mr. *Mason*, ordered to be laid upon the table.

The Order of the Day being read, on motion of Mr. *Morris*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Stanard* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Stanard* reported, that the said committee had, according to order, taken the subjects referred to them into consideration, and had made additional progress therein, but adopted no definitive resolution.

And then, on motion of Mr. *Neale*, the Convention adjourned until to-morrow, eleven o'clock.

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## SATURDAY, DECEMBER 5, 1829.

On motion of Mr. *Gordon*,

Resolved, that when the Convention adjourns to-day, it will adjourn until Monday, two o'clock.

The Order of the Day being read, on motion of Mr. *Powell*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Barbour* of *Orange* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Barbour* of *Orange* reported, that the said committee had, according to order, taken the subjects referred to them into consideration, and made additional progress therein, but had not finally acted thereupon.

On motion of Mr. *Leigh* of *Chesterfield*,

Ordered, that the proposition submitted by Mr. *Gordon*, as amended in the committee of the whole Convention, be printed for the use of the Convention.

And then, on motion of Mr. *Upshur*, the Convention adjourned until Monday, two o'clock.

MONDAY, DECEMBER 7, 1829.

On motion of Mr. *Powell*, the report of the committee appointed to enquire into the expediency of providing other accommodations for the Convention, was taken up and read as follows:

The committee appointed to enquire into the expediency of providing other accommodations for the Convention, have performed that service, and submit the following Report:

It is supposed, that as the Legislature will meet on Monday, it will not be practicable for the Convention to continue their sittings in the Hall of the House of Delegates. Acting under this impression, the committee next turned its attention to various buildings in the city, but soon found that no other building would afford the necessary accommodations but some one of the churches in the city. Having examined the new Presbyterian church on F street, the committee are of opinion, that it is well suited to the object in view. Under this impression, they made application to the Rev. Mr. Armstrong, and through him to the trustees of the church, to ascertain whether it could be obtained. The committee beg leave to state, that their application was received in a gratifying manner, and that the trustees, as well as the pastor of the church, evinced the greatest promptitude and liberality in affording the Convention any accommodation in their power. The subject was referred to a committee of the trustees of the church, who, in a meeting with this committee, expressed their willingness that the Convention should have the use of their church; but with an understanding, that all the lower floor of the church be appropriated to the use of the Convention, of ladies, and such persons as the President, under the established rules, may admit to seats on the first floor: The galleries, which are large and commodious, to be appropriated to visitors generally. The above arrangement the trustees supposed to be calculated to guard the church against injury; but as the building is recently finished at a great expense to the congregation, the trustees expect, that in case it sustain injury, it shall be returned by the Convention, or under its authority, in as good a condition as it may be received by it. The trustees are also desirous that hucksters and other venders, should not be admitted into the church or the anti-chamber to the same, for the purpose of selling or disposing of the articles in which they deal.

The committee submit to the Convention the propriety of adopting the following resolutions:

1. That the Convention agree to receive the use of the Presbyterian church on F street, upon the terms stated in the report of their committee to have been proposed by the trustees of said church.

2. That the Secretary cause to be procured, and placed in the Presbyterian church on F street, a suitable seat for the President, and such other fixtures as are necessary for the accommodation of the Convention.

The said resolutions being twice read, were, on questions severally put thereupon, agreed to by the Convention.

Mr. *Fitzhugh*, from the committee appointed to enquire into, and report on the compensation proper to be allowed the officers of the Convention, presented the following report, viz :

The committee appointed to enquire into, and report on the compensation proper to be allowed the officers of this Convention, have adopted the following resolution :

Resolved, that the sum of thirteen dollars be allowed *George W. Cole*, for apprising *Samuel Branch of Buckingham* of his election as a member of this Convention.

The said resolution was, on the question put thereupon, agreed to by the Convention.

Mr. *Doddridge* submitted the following resolution :

Resolved, that the Secretary be authorised to act by a suitable deputy.

On motion of Mr. *Summers*,

Ordered, that the same be laid upon the table.

On motion of Mr. *Stanard*,

Resolved, that when the Convention adjourns to-day, it will adjourn until to-morrow, eleven o'clock.

And then, on motion of Mr. *Powell*, the Convention adjourned accordingly, to meet at the Presbyterian church.

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TUESDAY, DECEMBER 8, 1829.

The Convention met pursuant to adjournment.

The President presented a letter from Mr. *Munford*, resigning his office of Secretary to the Convention, which was read :

RICHMOND, Dec. 8, 1829.

SIR,

With the warmest feelings of gratitude to the Convention for the honorable office they were pleased to bestow upon me, permit me through you to tender them my respectful resignation of that appointment. The delicacy of my situation will be readily perceived : for the fifth time, I have been elected Clerk to the House of Delegates ; and although it would be highly gratifying to my feelings to retain my present station as Secretary to the Conven-



tion, other considerations imperiously require me, (with whatever reluctance,) to pursue a different course. So long as the sessions of the Convention and the House of Delegates would not have conflicted, it would have given me great pleasure to have afforded each of them my services; and I had determined to do so, without receiving the double compensation: but being unwilling to transact by deputy the duty which it may be supposed I ought to perform myself, I feel constrained to pursue the course I now adopt. It will afford me great pleasure to render any assistance which may be required to enable my successor to understand the present business of the Convention.

Relying on the liberality of the body over which you preside, for a just appreciation of the considerations, and an indulgent interpretation of the motives that actuate me,

I have the honor to be,

With the greatest respect,

Your and their very obedient servant,

GEORGE W. MUNFORD.

*The Honorable JAMES MONROE,* }  
*President of the Convention.* }

Mr. Scott moved that the Convention proceed to the appointment of a Secretary in the place of Mr. Munford, resigned, which was carried; and D. Briggs was elected.

The President then presented a letter from Linn Banks, Speaker of the House of Delegates, which was read, and upon Mr. Leigh's motion, laid upon the table:

RICHMOND, 7th Dec. 1829.

SIR,

I am requested by a resolution of the House of Delegates, to advise the Convention of Virginia of a disposition on the part of that House, to afford the Convention every facility for the convenient and expeditious dispatch of the important duties which devolve on that body, and to offer it the daily use of the Hall of the House of Delegates after the hour of twelve o'clock.

I have the honor to be,

With great respect,

Your obedient servant,

LINN BANKS, *Speaker H. D.*

*JAMES MONROE, Esq.* }  
*President of the Convention.* }

Mr. *Scott* moved the execution of the Order of the Day, which was carried, Mr. *Barbour* of *Orange* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Barbour* of *Orange* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, and had made some progress.

And then the Convention adjourned until to-morrow, ten o'clock.

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### WEDNESDAY, DECEMBER 9, 1829.

The Secretary announced the inability of the *President* to attend the Convention, from indisposition:

Whereupon, Mr. *Gordon* nominated *Philip P. Barbour*, Esq. as *President pro tem.* who was unanimously elected.

On motion of Mr. *Campbell* of *Brooke*,

Resolved, that a committee be appointed to procure a convenient and suitable house for the deliberations of this Convention.

On motion, laid upon the table.

On motion of Mr. *Brodnax*,

Resolved, that the thanks of this Convention be communicated to the pastor and trustees of the new Presbyterian church on F street in this city, for their recent obliging offer of that building for the use of this body.

The Order of the Day being read, on motion, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Gordon* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Gordon* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, and had made some progress.

On motion of Mr. *Mason*, the Convention then adjourned until to-morrow, eleven o'clock.

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### THURSDAY, DECEMBER 10, 1829.

On motion of Mr. *Summers*, the resolution proposing that a committee be appointed to procure a suitable house for the deliberations of the Convention, was taken up and adopted, and a committee appointed accordingly, consisting of Messrs. *Campbell* of *Brooke*, *Nicholas*, *Leigh* of *Chesterfield*, and *Johnson*.

On motion of Mr. *Powell*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Gordon* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Gordon* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, and had made some progress.

And then, on motion of Mr. *Johnson*, the Convention adjourned to meet at the First Baptist church to-morrow, at eleven o'clock.

### FRIDAY, DECEMBER 11, 1829.

The Convention met pursuant to adjournment.

Mr. *Campbell of Brooke*, from the committee appointed to procure a house suitable for the deliberations of the Convention, presented a report, which was read; and on the question being put thereupon, was agreed to by the Convention, and is as follows:

The committee appointed to provide and fit up a suitable house for the deliberations of the Convention, report in part as follows: That the trustees of the First Baptist church in this city have cheerfully conceded to the Convention the use of their house for their deliberations, relying upon the Convention, that they will not permit any hucksters to erect their establishments, or to dispose of their commodities, within the house; and that should any damages be done to the house, while in the use of the Convention, such damages will be repaired by order of the Convention.

On motion of Mr. *Campbell of Brooke*,

Ordered, that the said report be laid upon the table.

On motion of Mr. *Summers*,

Resolved, that an assistant door-keeper be appointed; and on his further motion, *George R. Myers* was appointed.

On motion of Mr. *Doddridge*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Gordon* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Gordon* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, and made some progress therein.

On motion of Mr. *Doddridge*,

Ordered, that the amendments made by the committee of the whole Convention to the reports of the Legislative, Executive and Judicial committees, be printed for the use of the members of the Convention.

And then, on motion of Mr. *Mason*, the Convention adjourned until to-morrow, eleven o'clock.

SATURDAY, DECEMBER 12, 1829.

The Convention met pursuant to adjournment.

Mr. Mercer presented a letter from *James Monroe*, Esq. President of the Convention, and one of the delegates from the tenth district, which was read as follows :

SIR,

My indisposition rendering it impossible for me to perform my duties, either as presiding officer, or as a member of the Convention, I owe it to that body, to my constituents, and to the Commonwealth, to resign my seat, to enable my colleagues to devolve on some other person the duties that I am thus prevented from performing.

I avail myself of this opportunity, to express my grateful sense of the generous confidence of my constituents, evinced by their election of me to the important trust, and of their support of me in the course that my conscientious convictions have induced me to take in the execution of that trust, though it differed in some degree with the sentiments they had entertained.

For the distinction with which I have been honored by the Convention, by its selection of me to preside over its deliberations, I have already offered my grateful acknowledgments; and I beg leave again to tender them, and to add, that as a testimony of approbation of my conduct in the many important trusts I have held, under the State and Federal Governments, at home and abroad, it will continue to be a source of consolation to me to the latest moment of my life.

In separating myself from the Convention, I cannot refrain from the expression of my ardent and anxious hopes, that the result of its deliberations may correspond with the expectations so fondly cherished before its session commenced, and that a Constitution will be framed that will secure the rights and protect the interests of all, command the public approbation, and promote the happiness and prosperity of the State.

I beg you to tender to the members of the Convention individually, my most respectful salutations, and to be assured of the high esteem with which

I am,

Your most obedient servant,

JAMES MONROE.

To PHILIP P. BARBOUR, Esq. }  
President pro tem. of the Convention. }

On motion of Mr. *Mercer*,

Ordered, that the said letter be laid on the table.

On motion of Mr. *Tazewell*,

Resolved, that the Convention proceed to the election of a *President* in the room of *James Monroe*, Esq. resigned.

Mr. *Gordon* nominated *Philip P. Barbour*, Esq. who was unanimously elected.

On motion of Mr. *Mercer*,

Resolved, unanimously, that the Convention entertain a high sense of the patriotic zeal and ability manifested by their fellow-citizen, *James Monroe*, in the various public stations in which he has acted, and sympathise with him under the dispensation which has deprived them of his services as President of this body.

Mr. *Mercer* then announced to the Convention, that the remaining delegates from the said district had elected General *Robert B. Taylor* to supply the vacancy thus occasioned.

On motion of Mr. *Mercer*,

Resolved, that the Sergeant at Arms be directed forthwith to notify General *Taylor* of his election to a seat in this Convention.

On motion, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Gordon* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Gordon* reported, that the said committee had, according to order, taken into consideration the subjects referred to them, had made farther progress, but had come to no resolution thereupon.

And then, on motion of Mr. *Mercer*, the Convention adjourned until Monday, eleven o'clock.

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## MONDAY, DECEMBER 14, 1829.

The Convention met according to adjournment.

On motion of Mr. *Doddridge*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Doddridge* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Doddridge* reported, that the said committee had, according to order, taken the subjects referred to them into consideration, and had made progress therein.

And then, on motion of Mr. *M' Coy*, the Convention adjourned until to-morrow, eleven o'clock.

TUESDAY, DECEMBER 15, 1829.

The Convention met pursuant to adjournment.

Mr. *Powell* presented a letter from *Hierome L. Opie*, Esq. resigning his seat as a member of the Convention, which was read as follows :

RICHMOND, DEC. 15, 1829.

SIR,

Circumstances beyond my control, compel me to resign my seat in the body over which you preside. The remaining delegates from the district will of course supply the vacancy occasioned by my resignation. With the strongest feelings, and most heart-felt desire, for the best results from your deliberations for our beloved State, with the kindest recollections for yourself, and every member of the Convention, I beg leave to subscribe myself

Your and their friend and fellow-citizen,

H. L. OPIE.

P. P. BARBOUR, Esq. }  
*President of the Convention.* }

On motion of Mr. *Powell*, it was laid upon the table.

On motion of Mr. *Doddridge*, the Convention resolved itself into a committee of the whole Convention on the state of the Constitution, Mr. *Doddridge* in the chair ; and after some time spent therein, the *President* resumed the chair, and Mr. *Doddridge* reported, that the said committee had, according to order, taken the subjects referred to them into consideration, and agreed to the following report thereupon :

The committee of the whole Convention have, according to order, had under consideration the reports of the several select committees, on the different Departments of Government, the Declaration of Rights, &c. together with several resolutions and propositions to them referred, and have made several amendments to the said reports, which they beg leave to submit. These amendments are as follow, viz :

*Amendments to the Report of the Committee on the Legislative Department.*

First—Strike out from the word “ Constitution,” in the third line of the third resolution, to the end of the resolution, and insert, “ and shall be extended, 1st, to every free white male citizen of the Commonwealth, resident therein, above the age of twenty-one years, who owns, and has possessed for six months, or who has acquired by marriage, descent or devise, a freehold estate, assessed



10. Resolved, that both the Governor and Lieutenant Governor shall receive for their services a compensation, to be determined by law, and to be neither increased nor diminished during the term for which they shall have been elected, and they shall be liable to be impeached and removed from office, for treason, bribery, or other crimes or misdemeanors.

11. Resolved, that it shall be the duty of the Governor to execute, or cause to be executed, all the laws of the Commonwealth; to communicate to the Legislature, at every session, the condition of the State, and to recommend to their consideration such measures as he may deem expedient. He shall also be Commander-in-Chief of the land and naval forces of the State; shall have power to convene the Legislature, when in his opinion the interests of the State may require it, or on application of a majority of the members of the House of Delegates; to fill vacancies occurring during the recess of the Legislature, in offices, the appointment to which is vested in the Legislative body; to grant reprieves or pardons, except where the prosecution shall have been carried on by the House of Delegates, or the law shall otherwise particularly direct; and to conduct, either in person, or by such agents as the Legislature may designate, all negotiations and correspondence with other or foreign States.

*Amendments to the Report of the Committee upon the Judicial Department.*

First—In the first line of the first resolution, before the word "Court," insert "Supreme."

Second—In the third line of the same resolution, after the word "establish," strike out the word "and."

Third—After the word "Courts," in the third line of the same resolution, insert, "and in the Justices of the Peace who shall compose the said Courts; the Legislature may also vest such jurisdiction as shall be deemed necessary, in Corporation Courts, and in the Magistrates who may belong to the corporate body."

Fourth amendment—In the second resolution, third line, strike out the word "first," where it occurs, and insert the same word before "Legislature," in the same line.

Fifth amendment—Fourth line of the same resolution, strike out the word "held," and insert the word "elected."

Sixth amendment—In the fourth line of the third resolution, strike out "concurrent," and insert "joint."

Seventh amendment—After the word "Assembly," in the fifth line of the same resolution, strike out to the word "but," in the twelfth line.

Eighth amendment—In the fourth resolution, second line, after the word "Courts," insert, "except Justices of the County Courts, and the Aldermen, or other Magistrates of Corporation Courts."



Ninth amendment—In the fifth resolution, strike out the words “by and with the advice and consent of the Senate.”

*Amendment to the Report of the Committee on the Bill of Rights, &c.*

First amendment—In the second report of the committee upon the Bill of Rights, &c. fifth resolution, second and third lines, strike out the words “under the United States, or.”

The committee of the whole have further, according to order, had under consideration a proposition, submitted in the House on the 30th day of November last, by Mr. *Upshur*, of the tenor following, to wit :

1. Resolved, that the House of Delegates shall consist of 120 members, of which there shall be chosen for the First District, or District west of the Alleghany mountain, 26  
 For the Second District, or District of the Valley, 22  
 For the Third District, or District between the Blue Ridge and the head of tide-water, - - - 38  
 For the Fourth District, or District between the head of tide-water and the ocean, - - - 34
2. Resolved, that the Senate shall consist of 30 members, of which there shall be chosen for the First District, aforesaid, 7  
 For the Second District, aforesaid, - - - 6  
 For the Third District, aforesaid, - - - 9  
 For the Fourth District, aforesaid, - - - 8

3. Resolved, that the Legislature shall have power to re-arrange the representation in both Houses of the General Assembly, once in every years, upon a fair average of the following ratios, to wit: 1st, of white population: 2d, of white population and taxation combined: 3d, of Federal numbers: Provided, that the number of the House of Delegates shall never exceed 160, nor the number of the Senate 40.

To which your committee beg leave to report the following amendments, by way of substitute, to wit :

Resolved, that the representation in the Senate and House of Delegates of Virginia, shall be apportioned as follows :

There shall be 13 Senators west of the Blue Ridge of mountains, and 19 east of those mountains.

There shall be in the House of Delegates, 127 members ; of whom, 29 shall be elected from the District west of the Alleghany mountain ; 24 from the Valley between the Alleghany and Blue Ridge ; and 40 from the Blue Ridge to the head of tide-water ; and 34 thence below.

Resolved, that the Legislature shall re-arrange the representation in both Houses of the General Assembly, once in every years, upon a fair average of the following ratios, to wit :

1st, white population: 2d, Federal numbers: Provided, that the number of the House of Delegates shall not exceed , nor the number of the Senate,

On motion of Mr. *Gordon*,

Ordered, that the committee of the whole be discharged from the further consideration of the several subjects referred to them, and not acted upon.

On motion of Mr. *Dromgoole*,

Ordered, that the same be laid upon the table.

Mr. *Campbell of Brooke*, from the committee appointed to provide a suitable house for the deliberations of the Convention, presented an account of *William Ritter*, for articles furnished for the use of the Convention, amounting to \$ 89 60, which was ordered to be certified by the Secretary for payment.

And then, on motion of Mr. *Mason*, the Convention adjourned until to-morrow, eleven o'clock.

WEDNESDAY, DECEMBER 16, 1829.

The Convention met pursuant to adjournment.

Mr. *Mercer* presented a letter from *Robert B. Taylor, Esq.* declining to accept his appointment as a member of the Convention, to supply the vacancy occasioned by the resignation of *James Monroe, Esq.* which was read as follows:

NORFOLK, DEC. 14, 1829.

SIR,

I have been notified this evening of my appointment as a member of the Convention, to supply the vacancy occasioned by the resignation of Mr. *Monroe*. Highly as I value this honour, considerations, which I am not at liberty to disregard, forbid me to accept the appointment; and I take the earliest opportunity of communicating this circumstance, that the least possible inconvenience may result.

I have the honour to be,

Very respectfully,

Your obedient servant,

ROBERT B. TAYLOR.

*The President of the Convention.*

On motion of Mr. *Mercer*,

Ordered, that the said letter be laid upon the table.

Mr. *Henderson* then informed the Convention, that the remaining delegates of the said district had elected *Joshua Osborne, Esq.* to supply the vacancy occasioned by the said resignation ; whereupon Mr. *Osborne* appeared and took his seat.

Mr. *Powell* announced that the remaining delegates from the eleventh district, had elected *James M. Mason, Esq.* to supply the vacancy occasioned by the resignation of *Hierome L. Opie, Esq.* whereupon Mr. *Mason* appeared and took his seat.

On motion of Mr. *Doddridge*, the report of the committee of the whole Convention upon the reports of the several select committees on the different Departments of Government, the Declaration of Rights. &c. together with several resolutions and propositions to them referred, and the amendments proposed thereto, was taken up.

The amendments of the committee of the whole Convention to the Legislative report being read, and the question being upon the concurrence of the Convention in the third resolution of the said committee,

Mr. *Tyler* moved, that the amendments to the said resolution be divided, and questions put upon each clause thereof, which was agreed to by the Convention.

Mr. *Stanard* moved, that the questions be separately put, on striking out the original clauses proposed to be amended by the committee of the whole, and was agreed to by the Convention.

The first amendment was then read as follows :

“ Provided, that no person shall vote by virtue of his freehold only, unless the same shall be assessed to the value of at least dollars, for the payment of taxes, if such assessment be required by law.”

Whereupon, Mr. *Stanard* moved that the blank therein be filled with the sum of \$ 25 :

Mr. *Thompson*, with the sum of \$ 1 :

And the question being put upon the first mentioned sum, it was determined in the negative.—Ayes 37, Noes 48.

Mr. *Scott* then moved to fill the said blank with the sum of \$ 10 :

Mr. *Brodnax*, with the sum of \$ 20 :

Which motions, upon the suggestion of Mr. *Marshall*, were severally withdrawn.

And the question recurring upon striking out, it was determined in the affirmative.—Ayes 75, Noes 20.

On motion of Mr. *Doddridge*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

<p><b>Messrs.</b> P. P. Barbour, (<i>Pres't.</i>)          Benjamin W. Leigh,          Samuel Taylor,          William B. Giles,          William H. Brodnax,          George C. Dromgoole,          Mark Alexander,          William O. Goode,          John Marshall,          John Tyler,          Philip N. Nicholas,          John B. Clopton,          William Anderson,          Samuel Coffman,          Peachy Harrison,          Jacob Williamson,          Briscoe G. Baldwin,          William M'Coy,          Samuel M'D. Moore,          Andrew Beirne,          William Smith,          John Baxter,          Augustine Claiborne,          John Urquhart,          John Randolph,          Richard N. Venable,          Waller Holladay,          Charles F. Mercer,          Richard H. Henderson,          Joshua Osborne,          John R. Cooke,          Alfred H. Powell,          Thomas Griggs, jun.          James M. Mason,          William Naylor,          William Donaldson,          Elisha Boyd,          Philip C. Pendleton,</p>	<p><b>Messrs.</b> John B. George,          Andrew M'Millan,          Edward Campbell,          William Byars,          John Roane,          Richard Morris,          James M. Garnett,          Gordon Cloyd,          Henley Chapman,          John P. Mathews,          William Oglesby,          Edwin S. Duncan,          John Laidley,          Lewis Summers,          Adam See,          Philip Doddridge,          Charles S. Morgan,          Alexander Campbell,          Eugenius M. Wilson,          John S. Barbour,          William Campbell,          Samuel Claytor,          James Saunders,          Samuel Branch,          George Townes,          Benj. W. S. Cabell,          Joseph Martin,          Archibald Stuart, jun.          James Pleasants,          William F. Gordon,          Lucas P. Thompson,          Thomas Massie, jun.          Fleming Bates,          Thomas R. Joynes,          Thomas M. Bayly,          Abel P. Upshur,          William K. Perrin.—75.</p>
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*And the names of the gentlemen who voted in the negative, are :*

<p><b>Messrs.</b> John W. Jones,          Chapman Johnson,          John Y. Mason,          James Trezvant,</p>	<p><b>Messrs.</b> William Leigh,          Richard Logan,          James Madison,          Robert Stanard,</p>
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Messrs. William H. Fitzhugh,	Messrs. George Loyall,
William P. Taylor,	Joseph Prentis,
John Scott,	Hugh B. Grigsby,
John Macrae,	Augustine Neale,
John W. Green,	Alexander F. Rose,
Littleton W. Tazewell,	John Coalter.—20.

Mr. *Scott* then moved that the report of the committee of the whole be laid upon the table; and the question being put thereupon, it was determined in the negative.—Ayes 43, Noes 52.

A further amendment of the committee, was then read as follows, to wit: "And shall be extended first, to every free white male citizen of the Commonwealth resident therein, above the age of twenty-one years, who owns and has possessed for six months, or who has acquired by marriage, descent or devise, a freehold estate assessed to the value of not less than      dollars, for the payment of taxes, if such assessment shall be required by law."

Whereupon, Mr. *Green* moved to fill the blank therein with \$ 200; Mr. *M'Coy*, with \$ 10; Mr. *Stanard*, with \$ 40; and Mr. *Powell*, with \$ 25; and questions being severally put upon the three first propositions, they were determined in the negative; and the question being put upon the fourth proposition, it was determined in the affirmative.—Ayes 52, Noes 43.

The question was then put, on agreeing with the committee of the whole, in striking out the clause aforesaid, and it was determined in the negative.

The following clause was then read: "Second, or who shall own a vested estate in fee, in remainder, or reversion, the assessed value of which shall be      dollars."

Whereupon, Mr. *Stanard* moved to fill the blank therein with \$ 50; Mr. *Claytor*, \$ 25; and the question being put upon the first mentioned sum, it was determined in the affirmative.—Ayes 51, Noes 44.

Mr. *Mercer* then moved, that the following words be added: "If such assessment be required by law;" and the question being put thereon, it was agreed to by the House; and the question recurring upon striking out the clause as amended, it was determined in the negative.

The third clause in the same resolution having been read as follows: "Or who shall own, and have possessed a leasehold estate, with the evidence of title recorded, of a term originally not less than five years, and one of which shall be unexpired, of the annual value or rent of      dollars:"

Mr. *Stanard* moved to strike out the words "have possessed," and insert in lieu thereof, the words "be himself in the actual occupation of;" and on the question being put thereon, it was agreed to by the House.

Mr. *Mercer* moved that the words "and one of which shall be unexpired," be stricken from the said clause; and on the question being put, it was agreed to by the House.

Mr. *Green* then moved to fill the blank in the said clause, with \$25; Mr. *Claytor*, with \$10; Mr. *Doddridge*, with \$5; Mr. *Stanard*, with \$20; and the question being put upon the first proposition, it was determined in the negative.—Ayes 41, Noes 52.

And upon the fourth, it was determined in the affirmative.—Ayes 43, Noes 47.

The question then recurring upon striking out the said clause as amended, and the question being put thereupon, it was determined in the negative.—Ayes 28, Noes 68.

On motion of Mr. *Leigh* of *Chesterfield*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question, be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
Philip N. Nicholas,  
John B. Clopton,  
John Y. Mason,  
James Trazvant,  
Augustine Claiborne,  
John Urquhart,

Messrs. John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
John Scott,  
Littleton W. Tazewell,  
George Loyall,  
Joseph Prentiss,  
Hugh B. Grigsby,  
George Townes.—28.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (Pres't.)  
John Marshall,  
John Tyler,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob Williamson,  
Briseoe G. Baldwin,  
Chapman Johnson,  
William McCoy,  
Samuel M'D. Moore,

Messrs. Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
James Madison,  
Robert Stanard,  
Waller Holladay,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,

Messrs. John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,

Messrs. Eugenius M. Wilson,  
 John S. Barbour,  
 John Macrae,  
 John W. Green,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Samuel Branch,  
 Benjamin W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 John Coalter,  
 Alexander F. Rose,  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—68.

The following clause was then read: "4th, or who for twelve months next preceding has been a house-keeper, and head of a family, within the county, city, borough or election district, where he may offer to vote, and who shall have been assessed with a part of the revenue of the Commonwealth, within the preceding year, and actually paid the same."

Whereupon, Mr. *Leigh* of *Chesterfield* moved to amend the same, by inserting the words, "to the amount of \_\_\_\_\_," after the words, "the preceding year;" and the question being put thereupon, it was determined in the negative.—Ayes 42, Noes 54.

On motion of Mr. *Leigh* of *Chesterfield*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes on the said question, be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. George C. Dromgoole,
John W. Jones,	Mark Alexander,
Benjamin W. Leigh,	William O. Goode,
Samuel Taylor,	John Marshall,
William B. Giles,	John Tyler,
William H. Brodnax,	Philip N. Nicholas,

Messrs. Chapman Johnson,  
 John Y. Mason,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 Robert Stanard,  
 Waller Holladay,  
 William H. Fitzhugh,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,

Messrs. James M. Garnett,  
 John S. Barbour,  
 John Scott,  
 John Macrae,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 Samuel Branch,  
 James Pleasants,  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter.—42.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. John B. Clopton,  
 William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob Williamson,  
 Briscoe G. Baldwin,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 James Madison,  
 Charles F. Mercer,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,

Messrs. William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 George Townes,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Thomas R. Joy nes,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—54.



Mr. *Stanard* then moved to amend the resolution, by inserting after the words, "~~who~~ shall have been assessed," the words, "by a tax on property owned by him;" and the question being put thereupon, it was determined in the negative.—Ayes 44; Noes 52.

On motion of Mr. *Stanard*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes on the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Robert Stanard,
John W. Jones,	Waller Holladay,
Benjamin W. Leigh,	Thomas Griggs, jun.
Samuel Taylor,	Philip C. Pendleton,
William B. Giles,	John Roane,
William H. Brodnax,	William P. Taylor,
George C. Dromgoole,	Richard Morris,
Mark Alexander,	James M. Garnett,
William O. Goode,	John S. Barbour,
John Marshall,	John Scott,
John Tyler,	John Macrae,
Philip N. Nicholas,	John W. Green,
Briscoe G. Baldwin,	Littleton W. Tazewell,
Chapman Johnson,	Joseph Prentis,
John Y. Mason,	Hugh B. Grigsby,
James Trezvant,	Samuel Branch,
Augustine Claiborne,	George Townes,
John Urquhart,	James Pleasants,
John Randolph,	Fleming Bates,
William Leigh,	Augustine Neale,
Richard Logan,	Alexander F. Rose,
Richard N. Venable,	John Coakler.—44.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. John B. Clopton,	Messrs. James Madison,
William Anderson,	Charles F. Mercer,
Samuel Coffin,	William H. Fitzhugh,
Peachy Harrison,	Richard H. Henderson,
Jacob Williamson,	Joshua Osborne,
William M'Coy,	John R. Cooke,
Samuel M'D. Moore,	Alfred H. Powell,
Andrew Beirne,	James M. Mason,
William Smith,	William Naylor,
Fleming B. Miller,	William Donaldson,
John Baxter,	Elisha Boyd,

Messrs. John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,

Messrs. Eugenius M. Wilson,  
 George Loyall,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—52.

The fourth clause in the said resolution was then read as follows:

“Or who for twelve months next preceding, has been a house-keeper and head of a family within the county, city, borough, or election district, where he may offer to vote, and who shall have been assessed with a part of the revenue of the Commonwealth within the preceding year, and actually paid the same.”

And the question to strike out the same being put thereupon, was determined in the negative.—Ayes 40, Noes 56.

On motion of Mr. *Morgan*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Augustine Claiborne,
John W. Jones,	John Urquhart,
Benjamin W. Leigh,	John Randolph,
Samuel Taylor,	William Leigh,
William B. Giles,	Richard Logan,
William H. Brodnax,	Richard N. Venable,
George C. Dromgoole,	Robert Stanard,
Mark Alexander,	Waller Holladay,
William O. Goode,	John Roane,
John Marshall,	William P. Taylor,
John Tyler,	Richard Morris,
Philip N. Nicholas,	James M. Garnett,
Chapman Johnson,	John S. Barbour,
John Y. Mason,	John Scott,
James Trezvant,	John Macrae,

Messrs. John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,

Messrs. Samuel Branch,  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coaker.—40.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. John B. Clopton,  
 William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob Williamson,  
 Briscoe G. Baldwin,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 James Madison,  
 Charles F. Mercer,  
 William H. Fitzbush,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.,  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,

Messrs. William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laitley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 George Townes,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.,  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.,  
 Thomas R. Joyner,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—56.

The proviso in the same resolution having been read, in the following words : " Provided, nevertheless, that the right of suffrage shall not be exercised by any person of unsound mind, or who shall be a pauper, or a non-commissioned officer, soldier, sailor or marine, in the service of the United States, nor by any person convicted of any infamous offence ; nor by citizens born without the Commonwealth, unless they shall have resided therein for five years immediately preceding the election at which they shall offer to vote, and two years preceding the said election, in the county, city, borough, or election district, where they shall offer to vote,

(the mode of proving such previous residence, when disputed, to be prescribed by law,) and shall possess, moreover, some one or more of the qualifications above enumerated."

Whereupon, Mr. *Claytor* moved, that so much of the said proviso as is contained between the word "offence," in the 28th line, to the end of the proviso, be stricken out; which, upon the question being put, was agreed to by the Convention.

And as to the residue of the said proviso, the question being put on striking out the same, it was determined in the negative.

Mr. *Wilson* then submitted the following amendment:

"Resolved, that every free white male citizen of this Commonwealth, of the age of twenty-one years and upwards, who shall have resided in the State two years, and in the county where he proposes to vote, one year next preceding the time of offering such vote; who shall have been enrolled in the militia, if subject to military duty; and who shall have paid all levies and taxes assessed upon him or his property, for the year preceding that in which he offers to vote, provided such taxes shall have been demanded of him, shall have a right to vote for members of the General Assembly: Provided, that no person shall be permitted to exercise the right of suffrage, who is a pauper; who is of unsound mind; who has been convicted of any infamous crime; or who shall be a non-commissioned officer, or private soldier, seaman or marine, in the regular service of the United States, or of this Commonwealth. And the Legislature shall prescribe the mode of trying and determining disputes concerning the said qualifications of voters, whenever the right of a person to vote shall be questioned."

And then, on motion of Mr. *Summers*, the Convention adjourned until to-morrow, eleven o'clock.

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#### THURSDAY, DECEMBER 17, 1829.

The Convention met pursuant to adjournment.

Mr. *Wilson's* amendment, submitted on yesterday for consideration, was taken up by the House.

Whereupon, Mr. *Wilson* moved that the same be inserted between the words "same" and "provided," in the twenty-third line of the third resolution in the report of the Legislative Committee.

Mr. *Joynes* moved to amend the said amendment, by striking out the words "all levies and taxes," and inserting the words "a State, County or Corporation tax;" which was accepted by Mr. *Wilson*.

Mr. *Fitzhugh* proposed to amend the said amendment, by adding the following proviso:

"Provided, that no capitation tax, either for State or County purposes, shall hereafter be levied, and that no individual whose tax shall be of less value than       dollars, shall be subject to any property tax whatsoever."

Mr. *Cooke* moved a division of the proposed amendment, which was agreed to by the House.

The question was then put upon the first clause of the said amendment, which is as follows :

"Provided, that no capitation tax, either for State or County purposes, shall hereafter be levied ;" and was determined in the affirmative.—Ayes 50, Noes 44.

On motion of Mr. *Campbell* of *Brooke*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John B. Clopton,  
William Anderson,  
Samuel Coffin,  
Peachy Harrison,  
Jacob Williamson,  
Chapman Johnson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,

Messrs. Gordon Cloyd,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
John S. Barbour,  
John Scott,  
John Macrae,  
John W. Green,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benjamin W. S. Cabell,  
Joseph Martin,  
Archibald Stuart, jun.  
William F. Gordon,  
Thomas Massie, jun.  
Thomas R. Joynes,  
Abel P. Upshur.—50.

*And the names of the gentlemen who voted in the negative, are :*

<b>Messrs.</b> P. P. Barbour, ( <i>Pres't.</i> )	<b>Messrs.</b> Alfred H. Powell,
John W. Jones,	Thomas Griggs, jun.
Benjamin W. Leigh,	James M. Mason,
Samuel Taylor,	John Roane,
William B. Giles,	William P. Taylor,
William H. Brodnax,	Richard Morris,
George C. Dromgoole,	James M. Garnett,
Mark Alexander,	Henley Chapman,
William O. Goode,	Littleton W. Tazewell,
John Marshall,	George Loyall,
John Tyler,	Joseph Prentis,
Philip N. Nicholas,	Hugh B. Grigsby,
Briscoe G. Baldwin,	Samuel Branch,
James Trezvant,	George Townes,
Augustine Claiborne,	James Pleasants,
John Urquhart,	Lucas P. Thompson,
William Leigh,	Fleming Bates,
Richard Logan,	Augustine Neale,
Richard N. Venable,	Alexander F. Rose,
James Madison,	John Coalter,
Robert Stanard,	Thomas M. Bayly,
Waller Holladay,	William K. Perrin.—44.

Mr. *Fitzhugh* then withdrew the residue of his proposed amendment.

Mr. *Joynes* then moved further to amend the amendment, by striking out after the word "vote," in the eighth line, the following : "Provided such taxes shall have been demanded of him," which was accepted ; and the question being put upon the amendment as amended, it was determined in the negative.—Ayes 47, Noes 47.

On motion of Mr. *Doddridge*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

<b>Messrs.</b> William Anderson,	<b>Messrs.</b> John Baxter,
Samuel Coffman,	Charles F. Mercer,
Peachy Harrison,	William H. Fitzhugh,
Jacob Williamson,	Richard H. Henderson,
William M'Coy,	Joshua Osborne,
Samuel M'D. Moore,	John R. Cooke,
Andrew Beirne,	Alfred H. Powell,
William Smith,	James M. Mason,
Fleming B. Miller,	William Naylor,

Messrs. William Donaldson,  
 Elisha Boyd,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,

Messrs. Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Benjamin W. S. Cabell,  
 Archibald Stuart, jun.  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur.—47.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, (*Pres't.*)  
 John W. Jones,  
 Benjamin W. Leigh,  
 Samuel Taylor,  
 William B. Giles,  
 William H. Brodnax,  
 George C. Dromgoole,  
 Mark Alexander,  
 William O. Goode,  
 John Marshall,  
 John Tyler,  
 Philip N. Nicholas,  
 John B. Clopton,  
 Briscoe G. Baldwin,  
 Chapman Johnson,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 James Madison,  
 Robert Stanard,  
 Waller Holladay,

Messrs. Thomas Griggs, jun.  
 Philip C. Pendleton,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John S. Barbour,  
 John Scott,  
 John Macrae,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 Samuel Branch,  
 George Townes,  
 Joseph Martin,  
 James Pleasants,  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 William K. Perrin.—47.

Mr. *Doddridge* moved to amend the third resolution of the report of the Legislative Committee, by inserting the following after the word "same," in the twenty-third line: "Or who shall have resided within the Commonwealth two years, and for the last year

within the county, city, borough or district where he offers to vote, and who during the last mentioned period, shall have actually paid a revenue tax legally assessed on him; and henceforth there shall be no capitation tax, except on slaves, assessed or collected, either for State or County purposes."

Mr. *Mercer* proposed to amend the said amendment, by adding after the word "him," "provided the same shall have been demanded of him," which was accepted by the mover.

Mr. *Venable* objected to the words "except on slaves" contained in the said amendment, which Mr. *Doddridge* agreed to strike out.

Mr. *Scott* moved further to amend, by inserting after the word "tax," "of one dollar;" and the question being put thereupon, was determined in the negative.—Ayes 46, Noes 48.

On motion of Mr. *Morgan*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Thomas Griggs, jun.
John W. Jones,	Philip C. Pendleton,
Benjamin W. Leigh,	John Roane,
Samuel Taylor,	William P. Taylor,
William B. Giles,	Richard Morris,
William H. Brodnax,	James M. Garnett,
George C. Dromgoole,	John S. Barbour,
Mark Alexander,	John Scott,
William O. Goode,	John Macrae,
John Marshall,	John W. Green,
John Tyler,	Littleton W. Tazewell,
Philip N. Nicholas,	George Loyall,
John B. Clopton,	Joseph Prentis,
Chapman Johnson,	Hugh B. Grigsby,
James Trezvant,	Samuel Branch,
Augustine Claiborne,	George Townes,
John Urquhart,	Joseph Martin,
William Leigh,	James Pleasants,
Richard Logan,	Fleming Bates,
Richard N. Venable,	Augustine Neale,
James Madison,	Alexander F. Rose,
Robert Stahard,	John Coalter,
Waller Holladay,	William K. Perrin.—46.



*And the names of the gentlemen who voted in the negative, are :*

Messrs. William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob Williamson,  
 Briscoe G. Baldwin,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,

Messrs. William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Archibald Stuart, jun.  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur.—48.

Mr. *Doddridge* moved to insert after the word "tax," the words "except on free negroes and mulattoes;" and the question being put thereupon, was determined in the negative.—Ayes 37, Noes 57.

Mr. *Bayly* moved farther to amend the same, by striking out the words "there shall hereafter be no capitation tax assessed or collected, either for State or County purposes;" and the question being put thereupon, was determined in the affirmative.—Ayes 53, Noes 40.

On motion of Mr. *Doddridge*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William H. Brodnax,
John W. Jones,	George C. Dromgoole,
Benjamin W. Leigh,	Mark Alexander,
Samuel Taylor,	William O. Goode,
William B. Giles,	John Marshall,

Messrs. John Tyler,  
 Philip N. Nicholas,  
 Briscoe G. Baldwin,  
 Fleming B. Miller,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 James Madison,  
 Robert Stanard,  
 Waller Holladay,  
 Charles F. Mercer,  
 Richard H. Henderson,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,

Messrs. John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 Samuel Branch,  
 George Townes,  
 James Pleasants,  
 Lucas P. Thompson,  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coaker,  
 Thomas M. Bayly,  
 William K. Perrin.—53.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. John B. Clopton,  
 William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob Williamson,  
 Chapman Johnson,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 John Baxter,  
 William H. Fitzhugh,  
 Joshua Osborne,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 William Oglesby,  
 Edwin S. Duncan,

Messrs. John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 John S. Barbour,  
 John Scott,  
 John Macrae,  
 John W. Green,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 William F. Gordon,  
 Thomas R. Joynes,  
 Abel P. Upshur.—40.

Mr. *Stanard* moved to amend the amendment, by inserting after the word "tax" "of ———;" and the question being put thereupon, it was determined in the affirmative.—Ayes 48, Noes 45.

On motion of Mr. *Nicholas*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Richard H. Henderson,
John W. Jones,	Thomas Griggs, jun.
Benjamin W. Leigh,	Philip C. Pendleton,
Samuel Taylor,	John Roane,
William B. Giles,	William P. Taylor,
William H. Brodnax,	Richard Morris,
George C. Dromgoole,	James M. Garnett,
Mark Alexander,	John S. Barbour,
William O. Goode,	John Scott,
John Marshall,	John Macrae,
John Tyler,	John W. Green,
Philip N. Nicholas,	Littleton W. Tazewell,
John B. Clopton,	George Loyall,
Chapman Johnson,	Joseph Prentis,
James Trezvant,	Hugh B. Grigsby,
Augustine Claiborne,	Samuel Branch,
John Urquhart,	George Townes,
William Leigh,	Joseph Martin,
Richard Logan,	James Pleasants,
Richard N. Venable,	Fleming Bates,
James Madison,	Augustine Neale,
Robert Stanard,	Alexander F. Rose,
Waller Holladay,	John Coalter,
William H. Fitzhugh,	William K. Perrin.—48.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. William Anderson,	Messrs. John Baxter,
Samuel Coffman,	Charles F. Mercer,
Peachy Harrison,	Joshua Osborne,
Jacob Williamson,	John R. Cooke,
Briscoe G. Baldwin,	Alfred H. Powell,
William M'Coy,	James M. Mason,
Samuel M'D. Moore,	William Naylor,
Andrew Beirne,	William Donaldson,
William Smith,	Elisha Boyd,
Fleming B. Miller,	John B. George,

Messrs. Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,

Messrs. Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benjamin W. S. Cabell,  
Archibald Stuart, jun.  
William F. Gordon,  
Lucas P. Thompson,  
Thomas R. Joynes,  
Thomas M. Bayly,  
Abel P. Upshur.—45.

Mr. *Naylor* then moved to amend the said amendment, by striking out the word "revenue," and inserting in lieu thereof, "county tax;" which was determined in the negative.

Mr. *Johnson* moved further to amend the said amendment, by striking therefrom the words, "if the same shall have been demanded;" and the question being put thereupon, it was determined in the affirmative.

The question was then put upon agreeing to Mr. *Doddridge's* proposed amendment, as amended, and determined in the negative. Ayes 46, Noes 47.

On motion of Mr. *Doddridge*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John B. Clopton,  
William Anderson,  
Samuel Coffman,  
Jacob Williamson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,

Messrs. James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,

Messrs. Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,

Messrs. Benj. W. S. Cabell,  
Archibald Stuart, jun.  
William F. Gordon,  
Lucas P. Thompson,  
Thomas R. Joynes,  
Thomas M. Bayly,  
Abel P. Upshur.—46.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (*Pres't.*)  
John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Philip N. Nicholas,  
Peachy Harrison,  
Briscoe G. Baldwin,  
Chapman Johnson,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,  
Robert Stanard,  
Waller Holladay,

Messrs. Thomas Griggs, jun.  
Philip C. Pendleton,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
John S. Barbour,  
John Scott,  
John Macrae,  
John W. Green,  
Littleton W. Tazewell,  
George Loyall,  
Joseph Prentis,  
Hugh B. Grigsby,  
Samuel Branch,  
George Townes,  
Joseph Martin,  
James Pleasants,  
Fleming Bates,  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
William K. Perrin.—47.

Mr. *Campbell of Brooke* moved to amend the third resolution of the report of the Legislative Committee, by striking out the 4th clause thereof, and inserting the following, to wit: "And to every free white male, a native of this Commonwealth, and a resident therein, of the age of twenty-one years and upwards, who shall have resided one year within the county, city, borough or election district, in which he offers to vote, and who shall have been assessed, and shall have paid, either County or State tax."

Mr. *M'Coy* proposed to amend the same, by striking out the word "one," and inserting "two," which was agreed to by the mover: and then the question was put upon agreeing to the said amendment, and determined in the negative.—Ayes 36, Noes 57.

On motion of Mr. *Campbell of Brooke*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,  
Samuel Coffman,  
Jacob Williamson,  
William M'Coy,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Charles F. Mercer,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
James M. Mason,  
William Naylor,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,

Messrs. Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Archibald Stuart, jun.  
William F. Gordon,  
Lucas P. Thompson,  
Thomas R. Joynes,  
Thomas M. Bayly.—36.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (*Pres't.*)  
John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton,  
Peachy Harrison,  
Briscoe G. Baldwin,  
Chapman Johnson,  
Samuel M'D. Moore,  
James Trezvant,  
Augustine Claiborne,

Messrs. John Urquhart,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,  
Robert Stanard,  
Waller Holladay,  
William H. Fitzhugh,  
Richard H. Henderson,  
Thomas Griggs, jun.  
Elisha Boyd,  
Philip C. Pendleton,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
Gordon Cloyd,  
John Laidley,  
John S. Barbour,

Messrs. John Scott,  
 John Macrae,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 William Campbell,  
 Samuel Branch,  
 George Townes,

Messrs. Joseph Martin,  
 James Pleasants,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Abel P. Upshur,  
 William K. Perrin.—57.

Mr. *Leigh of Chesterfield* then moved to amend the said third resolution of the Legislative Committee, by striking out from the word "that," in the first line, to the word "provided," in the 19th line, and to insert in lieu thereof, the following :

"— every male citizen of the Commonwealth resident therein aged twenty-one years and upwards, other than free negroes and mulattoes, qualified to exercise the right of suffrage by the existing Constitution and laws—and every such citizen being possessed or whose tenant for years at will or at sufferance is possessed of land of the assessed value of 25 dollars, if such assessment be required by law, and having an estate of freehold therein—and every such citizen being possessed as tenant in common, jointenant or parcener of an interest in or share of land, and having an estate of freehold therein, such interest or share being of the assessed value of 25 dollars, if such assessment be required by law—and every such citizen being entitled, to a reversion or vested remainder in fee, expectant on an estate for life or lives, in land of the assessed value of 50 dollars, if such assessment be required by law—(each and every such citizen, unless his title shall have come to him by descent, devise, marriage, or marriage-settlement, having been so possessed or entitled for six months)—and every such citizen who shall own and be himself in actual occupation of a lease-hold estate, with the evidence of title recorded, of a term originally not less than five years, of the annual value or rent of 20 dollars—and every such citizen, who for twelve months next preceding, has been a house-keeper and head of a family within the city, county, borough, or election district where he may offer to vote and shall have been assessed, with a part of the revenue of the Commonwealth within the preceding year, and actually paid the same—and no other persons—shall be qualified to vote for members of the General Assembly in the county, city or borough, respectively, wherein such land lieth, or such house-keeper and head of a family liveth :—And in case of two or more tenants in common, jointenants, or parceners, in possession, reversion or remainder having interests in land, the value whereof shall be insufficient to entitle them all to vote, they shall

together have as many votes as the value of the land shall entitle them to; and the Legislature shall by law provide the mode, in which their vote or votes shall in such case be given."

And the question being put thereupon, was agreed to by the House.

Mr. *Summers* moved that the said amendment be laid upon the table, and be printed for the use of the members of the Convention; which was determined in the negative.—Ayes 35, Noes 58.

And then, on motion of Mr. *Scott*, the Convention adjourned until to-morrow, eleven o'clock.

### FRIDAY, DECEMBER 18, 1829.

The Convention met pursuant to adjournment.

Mr. *Fitzhugh* from the committee appointed to enquire into the compensation proper to be allowed the officers of the Convention, made a further report which was read as follows:

The committee appointed to enquire into, and report on the compensation to be allowed the officers of the Convention, have agreed to the following resolution:

Resolved, that the sum of twenty-one dollars be allowed the Sergeant at Arms, for informing *Robert B. Taylor*, by express, of his election to this Convention.

The said resolution was, on the question being put thereupon, agreed to by the Convention.

The amendment proposed by the committee of the whole, to the eighth resolution of the Legislative Committee, was then read as follows:

"Resolved, that it ought to be provided in the Constitution, that in all elections in this State, to any office or place of trust, honour or profit, the votes should be given openly, or viva voce, and not by ballot."

And the question being put thereupon, it was agreed to by the House.

The third resolution, as amended in the House, was, on motion of Mr. *Leigh* of *Chesterfield*, taken up, and is as follows:

"Resolved, that every male citizen of the Commonwealth, resident therein, aged twenty-one years and upwards, other than free negroes and mulattoes, qualified to exercise the right of suffrage, by the existing Constitution and laws—and every such citizen being possessed, or whose tenant for years, at will, or at sufferance, is possessed of land of the assessed value of 25 dollars, if such assessment be required by law, and having an estate of freehold therein—and every such citizen being possessed, as tenant in common, jointenant



or parcener of an interest in, or share of land, and having an estate of freehold therein, such interest or share being of the assessed value of 25 dollars, if such assessment be required by law—and every such citizen being entitled to a reversion, or vested remainder in fee, expectant, on an estate for life or lives, in land, of the assessed value of 50 dollars, if such assessment be required by law—(each and every such citizen, unless his title shall have come to him by descent, devise, marriage or marriage-settlement, having been so possessed or entitled for six months)—and every such citizen who shall own, and be himself in actual occupation of a leasehold estate, with the evidence of title recorded, of a term originally not less than five years, of the annual value or rent of 20 dollars—and every such citizen, who for twelve months next preceding, has been a house-keeper and head of a family, within the city, county, borough or election district, where he may offer to vote, and shall have been assessed with a part of the revenue of the Commonwealth, within the preceding year, and actually paid the same—and no other persons—shall be qualified to vote for members of the General Assembly, in the county, city or borough, respectively, wherein such land lieth, or such house-keeper and head of a family liveth—and in case of two or more tenants in common, jointenants, or parceners, in possession, reversion or remainder, having interest in land, the value whereof shall be insufficient to entitle them all to vote, they shall together have as many votes as the value of the land shall entitle them to; and the Legislature shall by law provide the mode in which their vote or votes shall in such case be given: Provided, nevertheless, that the right of suffrage shall not be exercised by any person of unsound mind, or who shall be a pauper, or a non-commissioned officer, soldier, sailor or marine, in the service of the United States, or by any person convicted of any infamous offence.”

Mr. *Leigh* of *Chesterfield* then moved to fill the blank therein with the words “three months,” and afterwards with the words “two months.”

Mr. *Summers* moved to fill the blank with “one month.”

And the question being put upon Mr. *Leigh's* proposition, it was determined in the affirmative.—Ayes 53, Noes 43.

The question was then put upon the adoption of the resolution, as amended, and determined in the affirmative.—Ayes 56, Noes 40.

On motion of Mr. *Campbell* of *Brooke*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John B. Clopton,  
William Anderson,

Messrs. Samuel Coffman,  
Peachy Harrison,

Messrs. Jacob Williamson,  
 Briscoe G. Baldwin,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 James Madison,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,

Messrs. Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 George Townes,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—56.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (*Pres't.*) Messrs. Richard N. Venable,  
 John W. Jones, Robert Stanard,  
 Benjamin W. Leigh, Waller Holladay,  
 Samuel Taylor, John Roane,  
 William B. Giles, William P. Taylor,  
 William H. Brodnax, Richard Morris,  
 George C. Dromgoole, James M. Garnett,  
 Mark Alexander, John S. Barbour,  
 William O. Goode, John Scott,  
 John Marshall, John Macrae,  
 John Tyler, John W. Green,  
 Philip N. Nicholas, Littleton W. Tazewell,  
 Chapman Johnson, George Loyall,  
 John Y. Mason, Joseph Prentis,  
 James Trezvant, Hugh B. Grigsby,  
 Augustine Claiborne, Samuel Branch,  
 John Urquhart, Fleming Bates,  
 John Randolph, Augustine Neale,  
 William Leigh, Alexander F. Rose,  
 Richard Logan, John Coalter.—40.

Mr. *Powell* then moved that the House proceed to the consideration of the first resolution of the Legislative Committee, which was read as follows:

"Resolved, that in the apportionment of representation in the House of Delegates, regard should be had to the white population exclusively."

Mr. *Scott* moved that the said resolution be laid upon the table; and the question being put thereupon, it was determined in the affirmative.—Ayes 50, Noes 46.

On motion of Mr. *Doddridge*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William P. Taylor,
John W. Jones,	Richard Morris,
Benjamin W. Leigh,	James M. Garnett,
Samuel Taylor,	John S. Barbour,
William B. Giles,	John Scott,
William H. Brodnax,	John Macrae,
George C. Dromgoole,	John W. Green,
Mark Alexander,	Littleton W. Tazewell,
William O. Goode,	George Loyall,
John Marshall,	Joseph Prentis,
John Tyler,	Hugh B. Grigsby,
Philip N. Nicholas,	Samuel Branch,
John B. Clopton,	George Townes,
John Y. Mason,	Joseph Martin,
James Trezvant,	James Pleasants,
Augustine Claiborne,	William F. Gordon,
John Urquhart,	Thomas Massie, jun.
John Randolph,	Fleming Bates,
William Leigh,	Augustine Neale,
Richard Logan,	Alexander F. Rose,
Richard N. Venable,	John Coalter,
James Madison,	Thomas R. Joynes,
Robert Stanard,	Thomas M. Bayly,
Waller Holladay,	Abel P. Upshur,
John Roane,	William K. Perrin.—50.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. William Anderson,	Messrs. Jacob Williamson,
Samuel Coffman,	Briscoe G. Baldwin,
Peachy Harrison,	Chapman Johnson,

Messrs. William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,

Messrs. Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Archibald Stuart, jun.  
 Lucas P. Thompson.—46.

Mr. *Scott* then moved that the House take up and consider the proposition heretofore submitted by Mr. *Cooke*; and the question being put thereupon, was determined in the negative.—Ayes 46, Noes 50.

On motion of Mr. *Mercer*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John Urquhart,
John W. Jones,	John Randolph,
Benjamin W. Leigh,	William Leigh,
Samuel Taylor,	Richard Logan,
William B. Giles,	Robert Stanard,
William H. Brodnax,	Waller Holladay,
George C. Dromgoole,	John Roane,
Mark Alexander,	William P. Taylor,
William O. Goode,	Richard Morris,
John Marshall,	James M. Garnett,
John Tyler,	John S. Barbour,
Philip N. Nicholas,	John Scott,
John Y. Mason,	John Macrae,
James Trezvant,	John W. Green,
Augustine Claiborne,	Littleton W. Tazewell,

Messrs. George Loyall,  
Joseph Prentis,  
Hugh B. Grigsby,  
Samuel Branch,  
George Townes,  
Joseph Martin,  
James Pleasants,  
William F. Gordon,

Messrs. Lucas P. Thompson,  
Thomas Massie, jun.  
Fleming Bates,  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas R. Joynes,  
William K. Perrin.—46.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. John B. Clopton,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob Williamson,  
Briscoe G. Baldwin,  
Chapman Johnson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Richard N. Venable,  
James Madison,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
William Donaldson,

Messrs. Elisha Boyd,  
Philip C. Pendleton,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Archibald Stuart, jun.  
Thomas M. Bayly,  
Abel P. Upshur.—50.

Mr. Scott then moved to take up the proposition of Mr. Upshur, as amended, which was agreed to by the House, and was read as follows :

“ 1. Resolved, that the representation in the Senate and House of Delegates of Virginia, shall be apportioned as follows :

“ There shall be thirteen Senators west of the Blue Ridge of mountains, and nineteen east of those mountains. There shall be in the House of Delegates, 127 members, of whom 29 shall be elected from the district west of the Alleghany mountains, 24 from the Valley between the Alleghany and Blue Ridge, 40 from the Blue Ridge to the head of tide water, and 34 thence below.

"2. Resolved, that the Legislature shall re-arrange the representation in both Houses of the General Assembly, once in every years, upon a fair average of the following ratios, to wit:

"First, of white population :

"Second, of Federal numbers :

"Provided, that the number of the House of Delegates shall never exceed , nor the number of the Senate, ."

Mr. *Powell* moved to amend the said proposition as amended, by striking out after the word "Resolved," in the second resolution, and insert in lieu thereof the following : "that in the apportionment of representation in the House of Delegates, regard should be had to the white population exclusively;" and the question being put thereupon, it was determined in the negative.—Ayes 46, Noes 50.

On motion of Mr. *Powell*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob Williamson,  
 Briscoe G. Baldwin,  
 Chapman Johnson,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,

Messrs. Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Archibald Stuart, jun.  
 Lucas P. Thompson.—46.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William P. Taylor,
John W. Jones,	Richard Morris,
Benjamin W. Leigh,	James M. Garnett,
Samuel Taylor,	John S. Barbour,
William B. Giles,	John Scott,
William H. Brodnax,	John Macrae,
George C. Dromgoole,	John W. Green,
Mark Alexander,	Littleton W. Tazewell,
William O. Goode,	George Loyal,
John Marshall,	Joseph Prentis,
John Tyler,	Hugh B. Grigsby,
Philip N. Nicholas,	Samuel Branch,
John B. Clopton,	George Townes,
John Y. Mason,	Joseph Martin,
James Trezvant,	James Pleasants,
Augustine Claiborne,	William F. Gordon,
John Urquhart,	Thomas Massie, jun.
John Randolph,	Fleming Bates,
William Leigh,	Augustine Neale,
Richard Logan,	Alexander F. Rose,
Richard N. Venable,	John Coalter,
James Madison,	Thomas R. Joynes,
Robert Stanard,	Thomas M. Bayly,
Waller Holladay,	Abel P. Upshur,
John Roane,	William K. Perrin.—50.

The question then recurred upon the proposition of Messrs. *Gordon* and *Upshur* :

Whereupon, Mr. *Gordon* moved, that the same be divided ; and the question be first put upon the adoption of the following clause :

“Resolved, that the representation in the Senate and House of Delegates of Virginia, shall be apportioned as follows :

“There shall be thirteen Senators west of the Blue Ridge of mountains.

“There shall be in the House of Delegates, one hundred and twenty-seven members, of whom twenty-nine shall be elected from the district west of the Alleghany mountain ; twenty-four from the Valley between the Alleghany and Blue Ridge ; and forty from the Blue Ridge to the head of tide water ; and thirty-four thence below.”

And the question being put thereupon, was determined in the affirmative.—Ayes 50, Noes 46.

On motion of Mr. *Gordon*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William P. Taylor,
John W. Jones,	Richard Morris,
Benjamin W. Leigh,	James M. Garnett,
Samuel Taylor,	John S. Barbour,
William B. Giles,	John Scott,
William H. Brodnax,	John Macrae,
George C. Dromgoole,	John W. Green,
Mark Alexander,	Littleton W. Tazewell,
William O. Goode,	George Loyall,
John Marshall,	Joseph Prentiss,
John Tyler,	Hugh B. Grigsby,
Philip N. Nicholas,	Samuel Branch,
John B. Clopton,	George Townes,
John Y. Mason,	Joseph Martin,
James Trezvant,	James Pleasants,
Augustine Claiborne,	William F. Gordon,
John Urquhart,	Thomas Massie, jun.
John Randolph,	Fleming Bates,
William Leigh,	Augustine Neale,
Richard Logan,	Alexander F. Rose,
Richard N. Venable,	John Coalter,
James Madison,	Thomas R. Joynes,
Robert Stanard,	Thomas M. Bayly,
Waller Holladay,	Abel P. Upshur,
John Roane,	William K. Perrin.—50.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. William Anderson,	Messrs. Alfred H. Powell,
Samuel Coffman,	Thomas Griggs, jun.
Peachy Harrison,	James M. Mason,
Jacob Williamson,	William Naylor,
Briscoe G. Baldwin,	William Donaldson,
Chapman Johnson,	Elisha Boyd,
William M'Coy,	Philip C. Pendleton,
Samuel M'D. Moore,	John B. George,
Andrew Beirne,	Andrew M'Millan,
William Smith,	Edward Campbell,
Fleming B. Miller,	William Byars,
John Baxter,	Gordon Cloyd,
Charles F. Mercer,	Henley Chapman,
William H. Fitzhugh,	John P. Mathews,
Richard H. Henderson,	William Oglesby,
Joshua Osborne,	Edwin S. Duncan,
John R. Cooke,	John Laidley,



Messrs. Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,

Messrs. William Campbell,  
Samuel Claytor,  
James Saunders,  
Benjamin W. S. Cabell,  
Archibald Stuart, jun.  
Lucas P. Thompson.—46.

The following was then read :

“Resolved, that the Legislature shall re-arrange the representation in both Houses of the General Assembly, once in every years, upon a fair average of the following ratios, to wit :

“First, white population :

“Second, Federal numbers :

“Provided, that the number of the House of Delegates shall never exceed , nor the number of the Senate, .”

Mr. *Leigh of Chesterfield* then submitted to the House the following :

“That the House of Delegates shall consist of 139 members, and the representation therein shall be apportioned as follows :

“The 26 counties lying West of the Alleghany, shall have 32 Delegates—

“The 14 counties lying between the Alleghany and Blue Ridge, shall have 24 Delegates—

“The 29 counties lying East of the Blue Ridge and above tide water, shall have 45 Delegates—

“And the 36 counties and 4 towns lying on tide water, shall have 38 Delegates.

“No more new counties shall ever be formed of the country lying East of the Blue Ridge; but the Legislature may in its discretion, from time to time, a majority of the whole number of both Houses concurring, whensoever the increase of the population of the country West of the Blue Ridge, and the more convenient administration of justice and police shall require, form new counties not exceeding ten, out of the territory lying West of the Blue Ridge; and whenever such new county shall be formed, an additional Delegate shall be allowed to the country West of the Blue Ridge—

“And the Legislature having respect to the relative state of population of the respective counties, cities, towns, and election districts, and a majority of the whole number of both Houses concurring, may, at any time, allow one additional Delegate to any county, city, town, or election district, now existing, or to be formed, and to which only one Delegate shall in the first instance be allowed; so that not more than two Delegates shall ever be allowed to any county, city, or election district; and so that the number of the House of Delegates shall never exceed 160 members.”

6 Counties, 2 each, } 20 do. 1 each, }			32	4 Counties, 1 each, } 10 do. 2 each, }			24
Brooke,	-	-	1	Alleghany,	-	-	1
Cabell,	-	-	1	Bath,	-	-	1
Giles,	-	-	1	Berkeley,	-	-	2
Grayson,	-	-	1	Hampshire,	-	-	2
Greenbrier,	-	-	1	Hardy,	-	-	2
Harrison,	-	-	2	Morgan,	-	-	1
Kanawha,	-	-	1	Pendleton,	-	-	1
Lee,	-	-	1	Rockbridge,	-	-	2
Lewis,	-	-	1	Augusta,	-	-	2
Logan,	-	-	1	Botetourt,	-	-	2
Mason,	-	-	1	Jefferson,	-	-	2
Monongalia,	-	-	2	Rockingham,	-	-	2
Monroe,	-	-	1	Frederick,	-	-	2
Montgomery,	-	-	2	Shenandoah,	-	-	2
Nicholas,	-	-	1				
Ohio,	-	-	2				24
Pocahontas,	-	-	1				
Preston,	-	-	1				
Randolph,	-	-	1				
Russell,	-	-	1				
Scott,	-	-	1				
Tazewell,	-	-	1				
Tyler,	-	-	1				
Washington,	-	-	2				
Wood,	-	-	1				
Wythe,	-	-	2				
			32				

13 Counties, 1 each, }	45	20 Counties, 3 Towns, 1 each,	
16 do. 2 each, }		5 Counties, 2 each,	
		11 Counties and 1 Town, dis-	
		tricted for 5.	
		4	
		40	
Amelia, - -	1	Essex, - -	1
Amherst, - -	1	Fairfax, - -	1
Charlotte, - -	2	Gloucester, - -	1
Cumberland, - -	1	Greensville, - -	1
Dinwiddie, - -	2	Hanover, - -	1
Fluvanna, - -	1	Henrico, - -	1
Franklin, - -	2	Isle of Wight, - -	1
Goochland, - -	1	King & Queen, - -	1
Henry, - -	1	King William, - -	1
Louisa, - -	2	Nansemond, - -	1
Lunenburg, - -	1	New Kent, - -	1
Madison, - -	1	Northampton, - -	1
Nelson, - -	1	Northumberland, - -	1
Nottoway, - -	1	Princess Anne, - -	1
Orange, - -	2	Prince George, - -	1
Patrick, - -	1	Prince William, - -	1
Powhatan, - -	1	Spottsylvania, - -	2
Prince Edward, - -	1	Southampton, - -	1
Albemarle, - -	2	Stafford, - -	1
Bedford, - -	2	Surry, - -	1
Brunswick, - -	2	Sussex, - -	1
Buckingham, - -	2	Richmond City, - -	1
Campbell, - -	2	Petersburg, - -	1
Culpeper, - -	2	Norfolk Borough, - -	1
Halifax, - -	2	Accomack, - -	2
Mecklenburg, - -	2	Caroline, - -	2
Pittsylvania, - -	2	Chesterfield, - -	2
Fauquier, - -	2	Norfolk County, - -	2
Loudoun, - -	2	Lancaster and Richmond, - -	1
	45	Westmoreland and King	
	38	George, - -	1
	83	Middlesex and Matthews, - -	1
		Elizabeth City, York, War-	
		wick and Williamsburg, - -	1
		Charles City and James City, - -	1
			38

Mr. *Scott* moved to strike out the 11th, and part of the 12th lines of the said proposition, which are as follows :

"No more new counties shall ever be formed in the country East of the Blue Ridge;" and the question being put thereupon, was determined in the negative.—Ayes 26, Noes 70.

Mr. *Stanard* moved to strike out the following words : "and to which only one delegate shall in the first instance be allowed," from the 26th and 27th lines, which was accepted by the mover.

The question being then put upon the said proposition as amended, was determined in the negative.—Ayes 30, Noes 66.

On motion of Mr. *George*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John W. Jones,	Messrs. Richard Logan,
Benjamin W. Leigh,	Richard N. Venable,
Samuel Taylor,	Robert Stanard,
William B. Giles,	Waller Holladay,
William H. Brodnax,	John Roane,
George C. Dromgoole,	William P. Taylor,
Mark Alexander,	Richard Morris,
William O. Goode,	James M. Garnett,
Philip N. Nicholas,	Littleton W. Tazewell,
John Y. Mason,	George Loyall,
James Trezvant,	Joseph Prentis,
Augustine Claiborne,	Hugh B. Grigsby,
John Urquhart,	John Coalter,
John Randolph,	Thomas R. Joynes,
William Leigh,	Thomas M. Bayly.—30.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Andrew Beirne,
John Marshall,	William Smith,
John Tyler,	Fleming B. Miller,
John B. Clopton,	John Baxter,
William Anderson,	James Madison,
Samuel Coffman,	Charles F. Mercer,
Peachy Harrison,	William H. Fitzhugh,
Jacob Williamson,	Richard H. Henderson,
Briscoe G. Baldwin,	Joshua Osborne,
Chapman Johnson,	John R. Cooke,
William M'Coy,	Alfred H. Powell,
Samuel M'D. Moore,	Thomas Griggs, jun.

Messrs. James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,

Messrs. John S. Barbour,  
 John Scott,  
 John Macrae,  
 John W. Green,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Samuel Branch,  
 George Townes,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 Abel P. Upshur,  
 William K. Perrin.—66.

The resolution of Mr. *Upshur* as amended, was then read as follows :

“Resolved, that the representation in the Senate and House of Delegates of Virginia, shall be apportioned as follows : There shall be thirteen Senators west of the Blue Ridge of mountains, and nineteen east of those mountains.

“There shall be in the House of Delegates, one hundred and twenty-seven members, of whom twenty-nine shall be elected from the district west of the Alleghany mountains, twenty-four from the Valley between the Alleghany and Blue Ridge, and forty from the Blue Ridge to the head of tide-water, and thirty-four thence below.”

Whereupon, Mr. *Doddridge* moved to add the following :

“After the next Census to be taken under the laws of the United States, and every ten years thereafter, there shall be a new apportionment of representation, and a new assessment of land taxes. Each apportionment shall be made in the following manner, and on the following basis, to wit : “the number of free white inhabitants in the House of Delegates, and the Federal basis in the Senate.”

Mr. *Powell* moved to amend the same, so that the proposed apportionment should not be made before the year 1840, which he afterwards varied to 1841, which was accepted by the mover.

Mr. *Thompson* moved to amend the said amendment, by striking out “1840,” and inserting “1850,” which he afterwards withdrew.

Mr. *Jackson* then moved to strike out the word "ten," and insert "twenty," which was agreed to by the House.

Mr. *Sammors* moved further to amend the said amendment, by striking out after the word "thereafter," the words "at least;" and the question being put thereupon, was determined in the negative.

Mr. *Scott* moved to amend the said resolution, so as to cause the same to read, after the word "basis," to wit: "the number of free white inhabitants in the Senate, and the Federal basis in the House of Delegates."

Mr. *Campbell* of *Brooke* moved, that the House adjourn, which motion was determined in the negative.

The question was then put upon Mr. *Scott's* proposed amendment, and determined in the negative.—Ayes 44, Noes 52.

On motion of Mr. *Doddridge*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John Roane,
John W. Jones,	William P. Taylor,
Behjamin W. Leigh,	Richard Morris,
Samuel Taylor,	James M. Garnett,
William B. Giles,	John S. Barbour,
William H. Brodnax,	John Scott,
George C. Dromgoole,	John Macrae,
Mark Alexander,	John W. Green,
William O. Goode,	Littleton W. Tazewell,
John Marshall,	George Loyall,
Philip N. Nicholas,	Joseph Prentis,
John Y. Mason,	Hugh B. Grigsby,
James Trézvant,	Samuel Branch,
Augustine Claiborne,	George Townes,
John Urquhart,	Fleming Bates,
John Randolph,	Augustine Neale,
William Leigh,	Alexander F. Rose,
Richard Logan,	John Coalter,
Richard N. Venable,	Thomas R. Joynes,
James Madison,	Thomas M. Bayly,
Robert Stanard,	Abel P. Upshur,
Waller Holladay,	William K. Perrin.—44.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. John Tyler,	Messrs. William Anderson,
John B. Clopton,	Samuel Coffman,

Messrs. Peachy Harrison,  
 Jacob Williamson,  
 Briscoe G. Baldwin,  
 Chapman Johnson,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,

Messrs. Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Tho's Massie, jun.—52.

Mr. Scott then moved further to amend the said amendment, so that the basis of representation should be Federal numbers and taxation in the House of Delegates, and the white basis in the Senate; and the question being put thereupon, was determined in the negative.—Ayes 45, Noes 51.

On motion of Mr. Doddridge, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John Tyler,
John W. Jones,	Philip N. Nicholas,
Benjamin W. Leigh,	John Y. Mason,
Samuel Taylor,	James Trezvant,
William B. Giles,	Augustine Claiborne,
William H. Brodnax,	John Urquhart,
George C. Dromgoole,	John Randolph,
Mark Alexander,	William Leigh,
William O. Goode,	Richard Logan,
John Marshall,	Richard N. Venable,

**Messrs.** James Madison,  
Robert Stanard,  
Waller Holladay,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
John S. Barbour,  
John Scott,  
John Macrae,  
John W. Green,  
Littleton W. Tazewell,  
George Loyall,

**Messrs.** Joseph Prentis,  
Hugh B. Grigsby,  
Samuel Branch,  
George Townes,  
Fleming Bates,  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas R. Joynes,  
Thomas M. Bayly,  
Abel P. Upshur,  
William K. Perrin.—45.

*And the names of the gentlemen who voted in the negative, are :*

**Messrs.** John B. Clopton,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob Williamson,  
Briscoe G. Baldwin,  
Chapman Johnson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirde,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,  
John B. George,

**Messrs.** Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Joseph Martin,  
Archibald Stuart, jun.  
James Pleasants,  
William F. Gordon,  
Lucas P. Thompson,  
Tho's Massie, jun.—51.

**Mr. Martin** moved further to amend the amendment, by inserting "1850," instead of "1841;" and the question being put thereupon, was determined in the negative.—Ayes 43, Noes 53.



On motion of Mr. *Wilson*, (seven of the members present concurring.)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Richard Morris,
Benjamin W. Leigh,	James M. Garnett,
Samuel Taylor,	John S. Barbour,
William B. Giles,	John Scott,
William H. Brodnax,	John Macrae,
George C. Dromgoole,	John W. Green,
Mark Alexander,	Littleton W. Tazewell,
John Marshall,	George Loyall,
John Tyler,	Joseph Prentis,
Philip N. Nicholas,	Hugh B. Grigsby,
John B. Clifton,	Samuel Branch,
John Y. Mason,	George Townes,
James Trezvant,	Joseph Martin,
Augustine Claiborne,	James Pleasants,
John Urquhart,	Thomas Massie, jun.
John Randolph,	Fleming Bates,
William Leigh,	Alexander F. Rose,
Richard N. Venable,	John Coalter,
Robert Stanard,	Thomas R. Joynes,
Waller Holladay,	Thomas M. Bayly,
John Roane,	William K. Perrin.—43.
William P. Taylor,	

*And the names of the gentlemen who voted in the negative, are :*

Messrs. John W. Jones,	Messrs. James Madison,
William O. Goode,	Charles F. Mercer,
William Anderson,	William H. Fitzhugh,
Samuel Coffin,	Richard H. Henderson,
Peachy Harrison,	Joshua Osborne,
Jacob Williamson,	John R. Cooke,
Briscoe G. Baldwin,	Alfred H. Powell,
Chapman Johnson,	Thomas Griggs, jun.
William M'Coy,	James M. Mason,
Samuel M'D. Moore,	William Naylor,
Andrew Beirne,	William Donaldson,
William Smith,	Elisha Boyd,
Fleming B. Miller,	Philip C. Pendleton,
John Baxter,	John B. George,
Richard Logan,	Andrew M'Millan,

Messrs. Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,

Messrs. Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Archibald Stuart, jun.  
William F. Gordon,  
Lucas P. Thompson,  
Augustine Neale,  
Abel P. Upshur.—53.

The question then recurred upon the adoption of the said amendment as amended, and was determined in the negative.—Ayes 48, Noes 48.

On motion of Mr. *Doddridge*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob Williamson,  
Briscoe G. Baldwin,  
Chapman Johnson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
James Madison,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,

Messrs. Philip C. Pendleton,  
• John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
• Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Archibald Stuart, jun.  
Lucas P. Thompson,  
Tho's Massie, jun.—48.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William P. Taylor,
John W. Jones,	Richard Morris,
Benjamin W. Leigh,	James M. Garnett,
Samuel Taylor,	John S. Barbour,
William B. Giles,	John Scott,
William H. Brodnax,	John Macrae,
George C. Dromgoole,	John W. Green,
Mark Alexander,	Littleton W. Tazewell,
William O. Goode,	George Loyall,
John Marshall,	Joseph Prentis,
John Tyler,	Hugh B. Grigsby,
Philip N. Nicholas,	Samuel Branch,
John B. Clopton,	George Townes,
John Y. Mason,	Joseph Martin,
James Trezvant,	James Pleasants,
Augustine Claiborne,	William F. Gordon,
John Urquhart,	Fleming Bates,
John Randolph,	Augustine Neale,
William Leigh,	Alexander F. Rose,
Richard Logan,	John Coalter,
Richard N. Venable,	Thomas R. Joynes,
Robert Stanard,	Thomas M. Bayly,
Waller Holladay,	Abel P. Upshur,
John Roane,	William K. Perrin.—48.

The question then recurred upon the adoption of Mr. *Upshur's* resolution as amended, and was determined in the affirmative.—Ayes 55, Noes 41.

On motion of Mr. *Powell*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John Tyler,
John W. Jones,	Philip N. Nicholas,
Benjamin W. Leigh,	John B. Clopton,
Samuel Taylor,	Chapman Johnson,
William B. Giles,	John Y. Mason,
William H. Brodnax,	James Trezvant,
George C. Dromgoole,	Augustine Claiborne,
Mark Alexander,	John Urquhart,
William O. Goode,	John Randolph,
John Marshall,	William Leigh,

<b>Messrs.</b> Richard Logan,	<b>Messrs.</b> Hugh B. Grigsby,
Richard N. Venable,	William Campbell,
James Madison,	Samuel Branch,
Robert Stanard,	George Townes,
Waller Holladay,	Joseph Martin,
Richard H. Henderson,	James Pleasants,
John R. Cooke,	William F. Gordon,
John Roane,	Lucas P. Thompson,
William P. Taylor,	Thomas Massie, jun.
Richard Morris,	Fleming Bates,
James M. Garnett,	Augustine Neale,
John S. Barbour,	Alexander F. Rose,
John Scott,	John Coalter,
John Macrae,	Thomas R. Joynes,
John W. Green,	Thomas M. Bayly,
Littleton W. Tazewell,	Abel P. Upshur,
George Loyall,	William K. Perrin.—55.
Joseph Prentis,	

*And the names of the gentlemen who voted in the negative, are:*

<b>Messrs.</b> William Anderson,	<b>Messrs.</b> John B. George,
Samuel Coffman,	Andrew M'Millan,
Peachy Harrison,	Edward Campbell,
Jacob Williamson,	William Byars,
Briscoe G. Baldwin,	Gordon Cloyd,
William M'Coy,	Henley Chapman,
Samuel M'D. Moore,	John P. Mathews,
Andrew Beirne,	William Oglesby,
William Smith,	Edwin S. Duncan,
Fleming B. Miller,	John Laidley,
John Baxter,	Lewis Summers,
Charles F. Mercer,	Adam See,
William H. Fitzhugh,	Philip Doddridge,
Joshua Osborne,	Charles S. Morgan,
Alfred H. Powell,	Alexander Campbell,
Thomas Griggs, jun.	Eugenius M. Wilson,
James M. Mason,	Samuel Claytor,
William Naylor,	James Saunders,
William Donaldson,	Benj. W. S. Cabell,
Elisha Boyd,	Arch'd Stuart, jun.—41.
Philip C. Pendleton,	

On motion of Mr. Campbell of Brooke, the Convention adjourned.

MONDAY, DECEMBER 21, 1829.

The Convention met pursuant to adjournment.

The first resolution of the Legislative Committee was read as follows :

“Resolved, that in the apportionment of representation in the House of Delegates, regard should be had to the white population exclusively.”

Mr. *Scott* moved, that the said resolution be laid upon the table ; and the question being put thereupon, was determined in the affirmative.—Ayes 49, Noes 44.

On motion of Mr. *Doddridge*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Richard Morris,
John W. Jones,	James M. Garnett,
Benjamin W. Leigh,	John S. Barbour,
Samuel Taylor,	John Scott,
William H. Brodnax,	John W. Green,
George C. Dromgoole,	Littleton W. Tazewell,
Mark Alexander,	George Loyall,
William O. Goode,	Joseph Prentiss,
John Marshall,	Hugh B. Grigsby,
John Tyler,	Samuel Branch,
Philip N. Nicholas,	George Townes,
John B. Clopton,	Joseph Martin,
John Y. Mason,	James Pleasants,
James Trezvant,	William F. Gordon,
Augustine Claiborne,	Lucas P. Thompson,
John Urquhart,	Thomas Massie, jun.
John Randolph,	Fleming Bates,
William Leigh,	Augustine Neale,
Richard Logan,	Alexander F. Rose,
Richard N. Venable,	John Coalter,
James Madison,	Thomas R. Joynes,
Robert Stanard,	Thomas M. Bayly,
Waller Holladay,	Abel P. Upshur,
John Roane,	William K. Perrin.—49.
William P. Taylor,	

*And the names of the gentlemen who voted in the negative, are:*

Messrs. William Anderson;	Messrs. Philip C. Pendleton,
Samuel Coffman,	John B. George,
Peachy Harrison,	Andrew M'Millan,
Jacob Williamson,	Edward Campbell,
Briscoe G. Baldwin,	William Byars,
Chapman Johnson,	Gordon Cloyd,
William M'Coy,	Henley Chapman,
Samuel M'D. Moore,	John P. Mathews,
Andrew Beirne,	William Oglesby,
William Smith,	Edwin S. Duncan,
Fleming B. Miller,	John Laidley,
John Baxter,	Lewis Summers,
Charles F. Mercer,	Adam See,
William H. Fitzhugh,	Philip Doddridge,
Richard H. Henderson,	Charles S. Morgan,
Joshua Osborne,	Alexander Campbell,
John R. Cooke,	Eugenius M. Wilson,
Thomas Griggs, jun.	William Campbell,
James M. Mason,	Samuel Claytor,
William Naylor,	James Saunders,
William Donaldson,	Benj. W. S. Cabell,
Elisha Boyd;	Archibald Stuart, jr.—44.

The second resolution of the same committee was then read as follows:

"Resolved, that a Census of the population of the State, for the purpose of apportioning the representation, should be taken in the year 1831, the year 1845, and thereafter at least once in every twenty years."

Mr. Stuart moved to amend the same, by striking out from the word "Resolved," to the end of the resolution, and insert:

"That in order to provide for the future equalization of representation, the Legislature shall, in the year 1840, and every ten years thereafter, make provision by law for ascertaining the whole number of qualified voters within the Commonwealth; and shall apportion the representation among the four districts following, to wit: 1st. The country west of the Alleghany. 2d. The country between the Alleghany and the Blue Ridge. 3d. The country between the Blue Ridge and tide water; and 4th. The country thence below, according to the number of qualified voters contained in each district respectively; and shall, in distributing the members to which each of said districts shall be entitled, secure, as far as possible, at least one member to each county: Provided, that the number of the House of Delegates shall never exceed 140, nor that of the Senate, 36."

Mr. *Stuart* moved, that the resolution and proposed amendment be laid upon the table; and the question being put thereupon, was determined in the affirmative.

Mr. *Summers* moved, that the said amendment be printed for the use of the members of the Convention, which was agreed to by the House.

The ninth resolution was then read as follows:

"Resolved, that no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested or burthened, in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities: that the Legislature shall have no power to prescribe any religious test whatever, nor to establish by law any subordination or preference between different sects or denominations, nor confer any peculiar privileges or advantages on any one sect or denomination over others, nor pass any law requiring or authorising any religious society, or the people of any district within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house for public worship; or the support of any church or ministry; but that it be left free to every person to select whom he pleases as his religious instructor, and to make for his support such private contract as he pleases: Provided, however, that the foregoing clauses shall not be so construed, as to permit any Minister of the Gospel, or Priest of any denomination, to be eligible to either House of the General Assembly."

Mr. *Henderson* moved to amend the said resolution, by striking out the proviso; and the question being put thereupon, was determined in the negative.—Ayes 14, Noes 81.

On motion of Mr. *Summers*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. John B. Clopton,	Messrs. Lewis Summers,
James Madison,	Adam See,
Charles F. Mercer,	Philip Doddridge,
Richard H. Henderson,	Charles S. Morgan,
John R. Cooke,	Alexander Campbell,
William Donaldson,	Samuel Claytor,
Philip C. Peadleton,	James Saunders.—14.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (Pres't.)	Messrs. Andrew M'Millan,
John W. Jones,	Edward Campbell,
Benjamin W. Leigh,	William Byars,
Samuel Taylor,	John Reese,
William B. Giles,	William P. Taylor,
William H. Brodnax,	Richard Morris,
George C. Dromgoole,	James M. Garnett,
Mark Alexander,	Gordon Cloyd,
William O. Goode,	Henley Chapman,
John Marshall,	John P. Mathews,
John Tyler,	William Oglesby,
Philip N. Nicholas,	Edwin S. Dupcan,
William Anderson,	John Laidley,
Samuel Coffman,	Eugenius M. Wilson,
Peachy Harrison,	John S. Barbour,
Jacob Williamson,	John Scott,
Briscoe G. Baldwin,	John Macrae,
Chapman Johnson,	John W. Green,
William M'Coy,	Littleton W. Tazewell,
Samuel M'D. Moore,	George Loyall,
Andrew Beirne,	Joseph Prentis,
William Smith,	Hugh B. Grigsby,
Fleming B. Miller,	William Campbell,
John Baxter,	Samuel Branch,
John Y. Mason,	George Townes,
James Trezvant,	Benj. W. S. Cabell,
Augustine Claiborne,	Joseph Martin,
John Urquhart,	Archibald Stuart, jun.
John Randolph,	James Pleasants,
William Leigh,	William F. Gordon,
Richard Logan,	Lucas P. Thompson,
Richard N. Venable,	Thomas Massie, jun.
Robert Stanard,	Fleming Bates,
Waller Holladay,	Augustine Neale,
William H. Fitzhugh,	Alexander F. Rose,
Joshua Osborne,	John Coaker,
Thomas Griggs, jun.	Thomas R. Joynes,
James M. Mason,	Thomas M. Bayly,
William Naylor,	Abel P. Upshur,
Elisha Boyd,	William K. Perrin.—81.
Johr B. George,	

The question was then put upon the adoption of the said resolution, and determined in the affirmative.

And as to the first clause thereof, Ordered, that it be entered upon the Journal, that the vote of the Convention was unanimous.



The tenth and eleventh resolutions were then read, and severally concurred in by the House.

The twelfth resolution was then read as follows :

"Resolved, that the members of the Legislature shall receive for their services a compensation, to be ascertained by law, and paid out of the public treasury ; but no law increasing the compensation of members of the Legislature, shall take effect until the end of the next annual session after the said law may have been enacted."

Mr. *Claytor* moved to amend the said resolution, by striking out the word "end," and inserting in lieu thereof, the word "commencement," which was determined in the negative.

The question being then put, the resolution was concurred in by the House.

The thirteenth resolution was read ; and the question being put thereupon, was concurred in by the House.

Mr. *Scott* then proposed for adoption the following resolution :

"Resolved, that no member of the Legislature shall, during the period for which he shall have been elected, be appointed to any office, the appointment to which is made by the Legislature."

And the question being put thereupon, was determined in the negative.—Ayes 14, Noes 81.

On motion of Mr. *Summers*, (seven of the members preseat concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John R. Cooke,
Samuel M'D. Moore,	Philip C. Pendleton,
Andrew Beirne,	Edwin S. Duncan,
James Madison,	John Scott,
Robert Stanard,	John Macrae,
Charles F. Mercer,	Littleton W. Taxewell,
Richard H. Henderson,	Alex'r F. Rose.—14.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. John W. Jones,	Messrs. Philip N. Nicholas,
Benjamin W. Leigh,	John B. Clopton,
Samuel Taylor,	William Anderson,
William B. Giles,	Samuel Coffman,
William H. Brodnax,	Peachy Harrison,
George C. Dromgoole,	Jacob Williamson,
Mark Alexander,	Briscoe G. Baldwin,
William O. Goode,	Chapman Johnson,
John Marshall,	William M'Coy,
John Tyler,	William Smith,

Messrs. Fleming B. Miller,  
 John Baxter,  
 John Y. Mason,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 John Randolph,  
 William Leight,  
 Richard Logan,  
 Richard N. Venable,  
 Waller Holladay,  
 William H. Fitzhugh,  
 Joshua Osborne,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 John Laidley,

Messrs. Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 John S. Barbour,  
 John W. Green,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Samuel Branch,  
 George Townes,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustin  Neale,  
 John Coalter,  
 Thomas R. Joyner,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—81.

Mr. *Campbell of Brooke* submitted the following resolution :

“Resolved, that no incorporation for any ecclesiastical or religious purpose, shall ever be granted, or have validity in this Commonwealth.”

Mr. *Brodnax* moved to amend the said resolution, by striking out from the word “Resolved,” and inserting the following as a substitute :

“The Legislature shall have the power of incorporating by law trustees or directors of any theological seminary, or other religious society, or body of men united for charitable purposes, or the advancement of piety and learning, so as to protect them in the enjoyment of their property and immunities, in such cases, and under such regulations as the Legislature may deem expedient and proper. But the Legislature of this State, during all future time, shall possess the power to alter, re-model, or entirely repeal such charters or act of incorporation, whenever they shall deem it expedient.”

Mr. *Stewart* moved the indefinite postponement of the said resolution and substitute; and the question being put thereupon, was determined in the affirmative.—Ayes 77, Noes 19.

On motion of Mr. *Brodnax*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Edward Campbell,
John W. Jones,	William Byars,
Benjamin W. Leigh,	John Roane,
Samuel Taylor,	William P. Taylor,
William B. Giles,	Richard Morris,
George C. Dremgoole,	James M. Garnett,
Mark Alexander,	Gordon Cloyd,
John Marshall,	Henley Chapman,
Philip N. Nicholas,	John P. Mathews,
William Anderson,	William Oglesby,
Samuel Coffman,	Edwin S. Duncan,
Peachy Harrison,	John Laidley,
Briscoe G. Baldwin,	Lewis Summers,
Chapman Johnson,	John S. Barbour,
Samuel M'D. Moore,	John Scott,
Andrew Beirne,	John W. Green,
William Smith,	Littleton W. Tazewell,
Fleming B. Miller,	George Loyall,
John Y. Mason,	Joseph Prentiss,
James Trezvant,	Hugh B. Grigsby,
Augustine Claiborne,	William Campbell,
John Urquhart,	Samuel Claytor,
John Randolph,	James Saunders,
William Leigh,	Samuel Branch,
Richard Logan,	George Townes,
Richard N. Venable,	Benj. W. S. Cabell,
Robert Stanard,	Joseph Martin,
Walter Holladay,	Archibald Stuart, jun.
Charles F. Mercer,	James Pleasants,
William H. Fitzhugh,	Lucas P. Thompson,
Richard H. Henderson,	Thomas Massie, jun.
Joshua Osborne,	Fleming Bates,
Alfred H. Powell,	Augustine Neale,
Thomas Griggs, jun.	Alexander F. Rose,
James M. Mason,	John Coalter,
William Naylor,	Thomas R. Joynes,
William Donaldson,	Thomas M. Bayly,
John B. George,	William K. Perrin.—77.
Andrew M'Millan,	

*And the names of the gentlemen who voted in the negative, are:*

Messrs. William H. Brodnax,	Messrs. Philip C. Pendleton,
William O. Goode,	Adam See,
John Tyler,	Philip Doddridge,
John B. Clopton,	Charles S. Morgan,
Jacob Williamson,	Alexander Campbell,
William M'Coy,	Eugenius M. Wilson,
John Baxter,	John Macrae,
James Madison,	William F. Gordron,
John R. Cooke,	Abel P. Upshur.—19.
Elisha Boyd,	

The first resolution of the Executive Committee, as amended in committee of the whole, was then read as follows:

"Resolved, that the chief Executive office of this Commonwealth ought to be vested in a Governor, to be elected by the General Assembly for three years, and to be ineligible for three years thereafter. His term of office shall commence on the first day of January succeeding his election, or on such other day as the Legislature may from time to time designate."

Mr. Mercer moved to amend the same, by striking out the words "General Assembly," and inserting, "qualified voters of the most numerous branch of the State Legislature."

Mr. Stuart moved to lay the resolution, with the proposed amendment, upon the table, which was determined in the negative.—Ayes 47, Noes 48.

The question being then put upon the proposed amendment, was determined in the affirmative.—Ayes 50, Noes 46.

On motion of Mr. Mercer, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. John B. Clopton,	Messrs. John Baxter,
William Anderson,	James Madison,
Samuel Coffin,	Charles F. Mercer,
Peachy Harrison,	William H. Fitzhugh,
Jacob Williamson,	Richard H. Henderson,
Briscoe G. Baldwin,	Joshua Osborne,
William M'Coy,	John R. Cooke,
Samuel M'D. Moore,	Alfred H. Powell,
Andrew Beirne,	Thomas Griggs, jun.
William Smith,	James M. Mason,
Fleming B. Miller,	William Naylor,

Messrs. William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,

Messrs. Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas M. Bayly,  
 Abel P. Upshur.—60.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (Pres't.)  
 John W. Jones,  
 Benjamin W. Leigh,  
 Samuel Taylor,  
 William B. Giles,  
 William H. Brodnax,  
 George C. Droingoole,  
 Mark Alexander,  
 William O. Goode,  
 John Marshall,  
 John Tyler,  
 Philip N. Nicholas,  
 Chapman Johnson,  
 John Y. Mason,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 Robert Stanard,  
 Waller Holladay,

Messrs. John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John S. Barbour,  
 John Scott,  
 John Macrae,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentiss,  
 Hugh B. Grigsby,  
 William Campbell,  
 Samuel Branch,  
 George Townes,  
 James Pleasants,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joynes,  
 William K. Perrin.—46.

The question was then put upon agreeing to the amendment as amended, and determined in the affirmative.—Ayes 50, Noes 46.

On motion of Mr. Doddridge, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

**Messrs.** John B. Clopton,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob Williamson,  
Briscoe G. Baldwin,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
James Madison,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,

**Messrs.** John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Joseph Martin,  
Archibald Stuart, jun.  
William F. Gordon,  
Lucas P. Thompson,  
Thomas M. Bayly,  
Abel P. Upshur.—50.

*And the names of the gentlemen who voted in the negative, are :*

**Messrs.** P. P. Barbour, (*Pres't.*)  
John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Philip N. Nicholas,  
Chapman Johnson,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,

**Messrs.** John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
Robert Stanard,  
Waller Holladay,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
John S. Barbour,  
John Scott,  
John Macrae,  
John W. Green,  
Littleton W. Tazewell,  
George Loyall,  
Joseph Prentis,

Messrs. Hugh B. Grigsby,  
William Campbell,  
Samuel Branch,  
George Townes,  
James Pleasants,  
Thomas Massie, jun.

Messrs. Fleming Bates,  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas R. Joynes,  
William K. Perrin.—46.

The question was then put upon the adoption of the resolution as amended, and determined in the affirmative.—Ayes 50, Noes 46.

On motion of Mr. Doddridge, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John B. Clopton,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob Williamson,  
Briscoe G. Baldwin,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
James Madison,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,

Messrs. John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Joseph Martin,  
Archibald Stuart, jun.  
William F. Gordon,  
Lucas P. Thompson,  
Thomas M. Bayly,  
Abel P. Upshur.—50.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (*Pres't.*) Messrs. Benjamin W. Leigh,  
John W. Jones, Samuel Taylor,

Messrs. William B. Giles,  
 William H. Brodnax,  
 George C. Dromgoole,  
 Mark Alexander,  
 William O. Goode,  
 John Marshall,  
 John Tyler,  
 Philip N. Nicholas,  
 Chapman Johnson,  
 John Y. Mason,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 Robert Stanard,  
 Waller Holladay,  
 John Roane,  
 William P. Taylor,

Messrs. Richard Morris,  
 James M. Garnett,  
 John S. Barbour,  
 John Scott,  
 John Macrae,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 William Campbell,  
 Samuel Branch,  
 George Townes,  
 James Pleasants,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joynes,  
 William K. Perrin.—46.

The second resolution, as amended in committee of the whole, was then read as follows :

“Resolved, that there ought to be appointed a Lieutenant Governor of this Commonwealth, to be elected in the same manner, at the same time, and for the same term with the Governor.”

And the question being put on agreeing to the said amendment, was determined in the affirmative.—Ayes 50, Noes 46.

Mr. Scott moved to amend the said resolution as amended, by striking out all after the word “Resolved,” and inserting the following :

“An Executive Council, consisting of three members, shall be chosen by joint vote of both Houses of Assembly, to remain in office three years. In case of the death, inability, or absence of the Governor from the Government, the eldest member of the Council shall act as Governor. Two members shall be sufficient to form a quorum. Their proceedings shall be entered of record, and signed by the members present, (to any part whereof any member may enter his dissent,) and lay it before the General Assembly when called for by them. This Council may appoint their own Clerk, who shall have a salary settled by law, and shall take an oath of secrecy in such matters as he shall be directed by the Board to conceal. At the end of one year from their first appointment, one Councillor, to be designated by lot, shall go out of office, and the vacancy shall be supplied by a new election. At the end of the second year, another Councillor, to be designated in like



manner, shall go out of office, and the vacancy be supplied by a new election: and this rotation shall be continued in due order annually. The Executive Council shall stand in the same relation to the Governor, as the Council under the existing Constitution, except that they shall advise merely, and not control him."

Upon the suggestion of Mr. *Leigh* of *Chesterfield*, the exception in the said proposition was struck out, with the assent of the mover.

And the question being put upon the adoption of the said amendment, it was determined in the negative.—Ayes 48, Noes 48.

On motion of Mr. *Doddridge*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John Roane,
John W. Jones,	William P. Taylor,
Benjamin W. Leigh,	Richard Morris,
Samuel Taylor,	James M. Garnett,
William B. Giles,	John S. Barbour,
William H. Brodnax,	John Scott,
George C. Dromgoole,	John Macrae,
Mark Alexander,	John W. Green,
William O. Goode,	Littleton W. Tazewell,
John Marshall,	George Loyall,
John Tyler,	Joseph Prentis,
Philip N. Nicholas,	Hugh B. Grigsby,
Chapman Johnson,	Samuel Branch,
John Y. Mason,	George Townes,
James Trezvant,	Joseph Martin,
Augustine Claiborne,	James Pleasants,
John Urquhart,	William F. Gordon,
John Randolph,	Thomas Massie, jun.
William Leigh,	Fleming Bates,
Richard Logan,	Augustine Neale,
Richard N. Venable,	Alexander F. Rose,
James Madison,	John Coalter,
Robert Stanard,	Abel P. Upshur,
Waller Holladay,	William K. Perrin. — 48.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. John B. Clopton,	Messrs. Jacob Williamson,
William Anderson,	Briscoe G. Baldwin,
Samuel Coffin,	William M'Coy,
Peachy Harrison,	Samuel M'D. Moore,

Messrs. Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,

Messrs. Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Archibald Stuart, jun.  
 Lucas P. Thompson,  
 Thomas R. Joynes,  
 Thomas M. Bayly.—48.

The question then recurred on the adoption of the said second resolution as amended, and was determined in the negative.—Ayes 47, Noes 48.

On motion of Mr. *Doddridge*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John B. Clopton,  
 William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob Williamson,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,

Messrs. Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,

Messrs. John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,

Messrs. Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Archibald Stuart, jun.  
 Lucas P. Thompson,  
 Thomas R. Joynes,  
 Thomas M. Bayly.—47.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (*Pres't.*)  
 John W. Jones,  
 Benjamin W. Leigh,  
 Samuel Taylor,  
 William B. Giles,  
 William H. Brodnax,  
 George C. Dromgoole,  
 Mark Alexander,  
 William O. Goode,  
 John Marshall,  
 John Tyler,  
 Philip N. Nicholas,  
 Chapman Johnson,  
 John Y. Mason,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 James Madison,  
 Robert Stanard,  
 Waller Holladay,

Messrs. John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John S. Barbour,  
 John Scott,  
 John Macrae,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 Samuel Branch,  
 George Townes,  
 Joseph Martin,  
 James Pleasants,  
 William F. Gordon,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Abel P. Upshur,  
 William K. Perrin.—48.

On motion of Mr. Goode, the Convention adjourned.

TUESDAY, DECEMBER 22, 1829.

The Convention met pursuant to adjournment.

The fifth resolution of the report of the Executive Committee, was read as follows :

“ Resolved, that the sheriffs of the different counties in the Commonwealth, shall hereafter be elected by the voters qualified to vote for the most numerous branch of the Legislature.”

And thereupon the question being put upon agreeing with the committee of the whole in their amendment to said resolution, which was to strike out the word “ Resolved,” so as to destroy the said resolution, the said amendment was agreed to by the House.—Ayes 57, Noes 37.

On motion of Mr. Trezvant, (seven of the members present concurring,)—

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, (Pres't.)	Messrs. Charles F. Mercer,
John W. Jones,	William H. Fitzhugh,
Benjamin W. Leigh,	Thomas Griggs, jun.
Samuel Taylor,	Philip C. Pendleton,
William B. Giles,	John Roane,
William H. Brodnax,	William P. Taylor,
George C. Dromgoole,	Richard Morris,
Mark Alexander,	James M. Garnett,
William O. Goode,	Gordon Cloyd,
John Marshall,	Henley Chapman,
John Tyler,	John P. Mathews,
Philip N. Nicholas,	John S. Barbour,
John B. Clopton,	John Scott,
Briscoe G. Baldwin,	John Macrae,
Chapman Johnson,	John W. Green,
Fleming B. Miller,	George Loyall,
John Y. Mason,	Joseph Prentis,
James Trezvant,	Hugh B. Grigsby,
Augustine Claiborne,	William Campbell,
John Urquhart,	Samuel Branch,
John Randolph,	George Townes,
William Leigh,	Joseph Martin,
Richard Logan,	Archibald Stuart, jun.
Richard N. Venable,	James Pleasants,
James Madison,	Thomas Massie, jun.
Waller Holladay,	Fleming Bates,

Messrs. Augustine Neale,  
Alexander F. Rose,  
John Coalter,

Messrs. Abel P. Upshur,  
William K. Perrin.—57.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob Williamson,  
William M'Coy,  
Samuel M'D. Moore;  
Andrew Beirne,  
William Smith,  
John Baxter,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
John B. George,  
Andrew M'Millan,

Messrs. Edward Campbell,  
William Byars,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
William F. Gordon,  
Lucas P. Thompson,  
Thomas R. Joynes,  
Thomas M. Bayly.—37.

The sixth and seventh resolutions of the report of the Executive Committee, were then read as follows :

“Resolved, that the commissioned officers of militia companies be nominated to the Executive by a majority of their respective companies.

“Resolved, that the field officers of regiments be nominated to the Executive by a majority of the commissioned officers of their respective regiments.”

And thereupon the question being put upon agreeing with the committee of the whole in their amendments to the said resolutions, which was to strike out the word “Resolved,” from both resolutions, so as to destroy the same, and to insert, by way of substitute, the following : “that the mode of appointing militia officers ought to be provided for by law : Provided, nevertheless, that no officer below the grade of a Brigadier General should be appointed by the General Assembly.”

The said amendments were agreed to by the House.

The eighth resolution of the report of the Executive Committee, was read as follows :

“Resolved, that no pardon shall be granted in any case, until after conviction or judgment.”

And thereupon the question being put upon agreeing with the committee of the whole in their amendment to said resolution, which was to strike out the word "Resolved," so as to destroy the said resolution, the said amendment was agreed to by the House.

The ninth amendment of the committee of the whole, was then read as follows :

"Resolved, that the Governor and Lieutenant Governor shall be chosen from such persons only as are native citizens of the United States, who have attained the age of thirty years, and have been citizens of the State during the five years immediately preceding the election."

The tenth amendment of the same committee, was then read as follows :

"Resolved, that both the Governor and Lieutenant Governor shall receive for their services a compensation to be determined by law, and to be neither increased nor diminished, during the term for which they shall have been elected, and they shall be liable to be impeached and removed from office, for treason, bribery, or other crimes or misdemeanors."

The eleventh amendment proposed by the same committee, was read as follows :

"Resolved, that it shall be the duty of the Governor to execute, or cause to be executed, all the laws of the Commonwealth; to communicate to the Legislature, at every session, the condition of the State, and to recommend to their consideration, such measures as he may deem expedient. He shall also be Commander-in-Chief of the land and naval forces of the State; shall have power to convene the Legislature, when in his opinion the interests of the State may require it, or on application of a majority of the members of the House of Delegates. To fill vacancies occurring during the recess of the Legislature, in offices, the appointment to which is vested in the Legislative body; to grant reprieves or pardons, except where the prosecution shall have been carried on by the House of Delegates, or the law shall otherwise particularly direct; and to conduct, either in person, or by such agents as the Legislature may designate, all negotiations and correspondence with other or foreign States."

Whereupon, on motion of Mr. *Upshur*, the same were laid upon the table.

The third resolution of the report of the Executive Committee, was then read as follows :

"Resolved, that the Executive Council, as at present organized, ought to be abolished, and that it is inexpedient to provide any other Executive Council."

Mr. *Scott* moved to lay the said resolution on the table; and the question being put thereupon, was determined in the negative.—  
Ayes 47, Noes 49.

On motion of Mr. *Fitzhugh*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William P. Taylor,
John W. Jones,	Richard Morris,
Benjamin W. Leigh,	James M. Garnett,
Samuel Taylor,	John S. Barbour,
William B. Giles,	John Scott,
William H. Brodnax,	John Macrae,
George C. Dromgoole,	John W. Green,
Mark Alexander,	Littleton W. Tazewell,
William O. Goode,	George Loyall,
John Tyler,	Joseph Prentis,
Philip N. Nicholas,	Hugh B. Grigsby,
Chapman Johnson,	Samuel Branch,
John Y. Mason,	George Townes,
James Trezvant,	James Pleasants,
Augustine Claiborne,	William F. Gordon,
John Urquhart,	Thomas Massie, jun.
John Randolph,	Fleming Bates,
William Leigh,	Augustine Neale,
Richard Logan,	Alexander F. Rose,
Richard N. Venable,	John Coalter,
James Madison,	Thomas R. Joynes,
Robert Stanard,	Abel P. Upshur,
Waller Holladay,	William K. Perrin.—47.
John Roane,	

*And the names of the gentlemen who voted in the negative, are:*

Messrs. John Marshall,	Messrs. Charles F. Mercer,
John B. Clopton,	William H. Fitzhugh,
William Anderson,	Richard H. Henderson,
Samuel Coffman,	Joshua Osborne,
Peachy Harrison,	John R. Cooke,
Jacob Williamson,	Alfred H. Powell,
Briscoe G. Baldwin,	Thomas Griggs, jun.
William M'Coy,	James M. Mason,
Samuel M'D. Moore,	William Naylor,
Andrew Beirne,	William Donaldson,
William Smith,	Elisha Boyd,
Fleming B. Miller,	Philip C. Pendleton,
John Baxter,	John B. George,

Messrs. Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,

Messrs. Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Joseph Martin,  
Archibald Stuart, jun.  
Lucas P. Thompson,  
Thomas M. Bayly.—49.

Mr. *Fitzhugh* moved to amend the said resolution, by striking out the latter clause thereof, in these words, to wit: "and that it is inexpedient to provide any other Executive Council;" and to insert the following: "there ought to be appointed a Secretary of State, and an Attorney General; who, besides being the Constitutional advisers of the Governor, shall discharge such other duties as may be assigned them by the Legislature."

The question was first put upon striking out the said latter clause of the third resolution, and was determined in the affirmative.

Mr. *Upshur* moved to amend the amendment proposed by Mr. *Fitzhugh*, by inserting after the word "appointed," "an Executive Council, or Council of State, consisting of four Councillors, to be elected by joint ballot of both Houses of the Legislature. One from the district west of the Alleghany; one from the district of the Valley; one from the district between the Blue Ridge and the head of tide water, and one from the district between the head of tide water and the ocean; who shall choose annually, out of their own number, a President, who shall act as Lieutenant Governor; and in all respects hold the same relation to the Governor, or perform the same duties, as the existing Council of State hold and perform. Two members shall form a quorum, and in case of an equal division of votes, the Governor shall have the casting vote."

And the question being put upon the said amendment, was determined in the negative.—Ayes 48, Noes 48.

On motion of Mr. *Claytor*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Samuel Taylor,
John W. Jones,	William B. Giles,
Benjamin W. Leigh,	William H. Brodnax,



Messrs. George C. Dromgoole,	Messrs. James M. Garnett,
Mark Alexander,	John S. Barbour,
William O. Goode,	John Scott,
John Marshall,	John Macrae,
John Tyler,	John W. Green,
Philip N. Nicholas,	Littleton W. Tazewell,
Chapman Johnson,	George Loyall,
John Y. Mason,	Joseph Prentis,
James Trezvant,	Hugh B. Grigsby,
Augustine Claiborne,	Samuel Branch,
John Urquhart,	George Townes,
John Randolph,	Joseph Martin,
William Leigh,	James Pleasants,
Richard Logan,	William F. Gordon,
Richard N. Venable,	Thomas Massie, jun.
James Madison,	Fleming Bates,
Robert Stanard,	Augustine Neale,
Waller Holladay,	Alexander F. Rose,
John Roane,	John Coalter,
William P. Taylor,	Abel P. Upshur,
Richard Morris,	William K. Perrin.—48.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. John B. Clopton,	Messrs. John B. George,
William Anderson,	Andrew M'Millan,
Samuel Coffman,	Edward Campbell,
Peachy Harrison,	William Byars,
Jacob Williamson,	Gordon Cloyd,
Briscoe G. Baldwin,	Henley Chapman,
William M'Coy,	John P. Mathews,
Samuel M'D. Moore,	William Oglesby,
Andrew Beirne,	Edwin S. Duncan,
William Smith,	John Laidley,
Fleming B. Miller,	Lewis Summers,
John Baxter,	Adam See,
Charles F. Mercer,	Philip Doddridge,
William H. Fitzhugh,	Charles S. Morgan,
Richard H. Henderson,	Alexander Campbell,
Joshua Osborne,	Eugenius M. Wilson,
John R. Cooke,	William Campbell,
Alfred H. Powell,	Samuel Claytor,
Thomas Griggs, jun.	James Saunders,
James M. Mason,	Benj. W. S. Cabell,
William Naylor,	Archibald Stuart, jun.
William Donaldson,	Lucas P. Thompson,
Elisha Boyd,	Thomas R. Joynes,
Philip C. Pendleton,	Thomas M. Bayly.—48.

Mr. *Powell* moved so to amend Mr. *Fitzhugh's* resolution, as to provide that the Secretary of State and Attorney General, be elected by both Houses of the Legislature.

Mr. *Campbell* of *Brooke* proposed that the election be made by a "joint vote" of both Houses; which amendments were acceded to by the mover.

The question was then put upon Mr. *Fitzhugh's* amendment, as amended, and determined in the negative.—Ayes 47, Noes 49.

On motion of Mr. *Summers*, (seven of the members present concurring.)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John B. Clopton,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob Williamson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,  
John B. George,  
Andrew M'Millan,

Messrs. Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Joseph Martin,  
Archibald Stuart, jun.  
Lucas P. Thompson,  
Thomas R. Joynes,  
Thomas M. Bayly.—47.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (*Pres't.*) Messrs. William H. Brodnax,  
John W. Jones, George C. Dromgoole,  
Benjamin W. Leigh, Mark Alexander,  
Samuel Taylor, William O. Goode,  
William B. Giles, John Marshall,

Messrs. John Tyler,  
Philip N. Nicholas,  
Briscoe G. Baldwin,  
Chapman Johnson,  
Fleming B. Miller,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,  
Robert Stanard,  
Waller Holladay,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,

Messrs. John S. Barbour,  
John Scott,  
John Macrae,  
John W. Green,  
Littleton W. Tazewell,  
George Loyall,  
Joseph Prentis,  
Hugh B. Grigsby,  
Samuel Branch,  
George Townes,  
James Pleasants,  
William F. Gordon,  
Thomas Massie, jun.  
Fleming Bates,  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Abel P. Upshur,  
William K. Perrin.—49.

The question then recurred upon agreeing to the third resolution, in the words following, to wit :

“Resolved, that the Executive Council, as at present organized, ought to be abolished.”

And was determined in the affirmative.—Ayes 50, Noes 46.

On motion of Mr. *Wilson*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John B. Clopton,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob Williamson,  
Briscoe G. Baldwin,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
James Madison,  
Charles F. Mercer,

Messrs. William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,

Messrs. William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,

Messrs. Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 Lucas P. Thompson,  
 Thomas R. Joynes,  
 Thomas M. Bayly.—50.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (*Pres't.*)  
 John W. Jones,  
 Benjamin W. Leigh,  
 Samuel Taylor,  
 William B. Giles,  
 William H. Brodnax,  
 George C. Droingoole,  
 Mark Alexander,  
 William O. Goode,  
 John Marshall,  
 John Tyler,  
 Philip N. Nicholas,  
 Chapman Johnson,  
 John Y. Mason,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 Robert Stanard,  
 Waller Holladay,

Messrs. John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John S. Barbour,  
 John Scott,  
 John Macrae,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 Samuel Branch,  
 George Townes,  
 James Pleasants,  
 William F. Gordon,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Abel P. Upshur,  
 William K. Perrin.—46.

The fourth resolution of the report of the Executive Committee, as amended in committee of the whole, was then read as follows, to wit :

“Resolved, that in case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties and powers of his office, the said powers and duties shall devolve upon the Lieutenant Governor, and the Legislature may provide for the case of removal, death, or similar inability of the Lieutenant Governor.”

Mr. *Doddridge* moved to strike out the words "Lieutenant Governor," and insert, "Speaker of the Senate," which he afterwards withdrew.

Mr. *Powell* moved to amend the said resolution, by striking out from the word "office," to the end of the resolution, and inserting, "the General Assembly shall provide by law upon whom the powers and duties shall devolve."

And the question being put thereupon, was determined in the affirmative.—Ayes 50, Noes 46.

Mr. *Claytor* then moved so to modify the said resolution, as to cause it to read, "that in case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties and powers of his office, the said powers and duties shall devolve upon such person as the General Assembly shall by law have provided."

And the question being put on the resolution as amended, was determined in the affirmative.

And then, on motion of Mr. *Tyler*, the Convention adjourned.

### WEDNESDAY, DECEMBER 23, 1829.

The Convention met pursuant to adjournment.

The fourth resolution of the report of the Executive Committee, as amended, was then read as follows :

"Resolved, that in case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties and powers of his office, the said powers and duties shall devolve upon such person as the General Assembly shall by law have provided."

Mr. *Scott* moved to lay the same upon the table.

And the question being put thereupon, was determined in the negative.—Ayes 48, Noes 48.

On motion of Mr. *Doddridge*, (seven of the members present concurring.)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William B. Giles,
John W. Jones,	William H. Brodnax,
Benjamin W. Leigh,	George C. Dromgoole,
Samuel Taylor,	Mark Alexander,

**Messrs.** William O. Goode,  
 John Marshall,  
 John Tyler,  
 Philip N. Nicholas,  
 Chapman Johnson,  
 John Y. Mason,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 Robert Stanard,  
 Waller Holladay,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John S. Barbour,

**Messrs.** John Scott,  
 John Macrae,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 William Campbell,  
 Samuel Branch,  
 George Townes,  
 James Pleasants,  
 William F. Gordon,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joynes,  
 Abel P. Upshur,  
 William K. Perrin.—48.

*And the names of the gentlemen who voted in the negative, are :*

**Messrs.** John B. Clopton,  
 William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob Williamson,  
 Briscoe G. Baldwin,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 James Madison,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,

**Messrs.** Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 Lucas P. Thompson,  
 Thomas M. Bayly.—48.

The question then recurred on the adoption of the said resolution, as amended, and was determined in the affirmative.—Ayes 51, Noes 45.

On motion of Mr. *Powell*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. John B. Clopton,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob Williamson,  
Briscoe G. Baldwin,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
James Madison,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,  
John B. George,

Messrs. Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Joseph Martin,  
Archibald Stuart, jun.  
Lucas P. Thompson,  
Thomas Massie, jun.  
Thomas R. Joynes,  
Thomas M. Bayly.—51.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William O. Goode,
John W. Jones,	John Marshall,
Benjamin W. Leigh,	John Tyler,
Samuel Taylor,	Philip N. Nicholas,
William B. Giles,	Chapman Johnson,
William H. Brodnax,	John Y. Mason,
George C. Dromgoole,	James Trezvant,
Mark Alexander,	Augustine Claiborne,

Messrs. John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 Robert Stanard,  
 Waller Holladay,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John S. Barbour,  
 John Scott,  
 John Macrae,  
 John W. Green,

Messrs. Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 Samuel Branch,  
 George Townes,  
 James Pleasants,  
 William F. Gordon,  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Abel P. Upshur,  
 William K. Perrin.—45.

The further amendments of the committee of the whole to the report of the Executive Committee, were then read as follows :

“Resolved, that the Governor and Lieutenant Governor shall be chosen from such persons only as are native citizens of the United States, who have attained the age of thirty years, and have been citizens of the State during the five years immediately preceding the election.

“Resolved, that both the Governor and Lieutenant Governor shall receive for their services a compensation to be determined by law, and to be neither increased nor diminished, during the term for which they shall have been elected, and they shall be liable to be impeached and removed from office, for treason, bribery, or other crimes or misdemeanors.”

On motion of Mr. *Doddridge*, the said amendments were severally amended, by striking out the words “Lieutenant Governor.”

A further amendment of the committee of the whole, to the report of the Executive Committee, was then read as follows :

“Resolved, that it shall be the duty of the Governor to execute, or cause to be executed, all the laws of the Commonwealth; to communicate to the Legislature, at every session, the condition of the State, and to recommend to their consideration, such measures as he may deem expedient. He shall also be Commander-in-Chief of the land and naval forces of the State; shall have power to convene the Legislature, when in his opinion the interests of the State may require it, or on application of a majority of the members of the House of Delegates. To fill vacancies occurring during the recess of the Legislature, in offices, the appointment to which is vested in the Legislative body; to grant reprieves or pardons, except where the prosecution shall have been carried on by the House of Delegates, or the law shall otherwise particularly direct; and to conduct, either in person, or by such agents as the Legislature may



designate, all negotiations and correspondence with other or foreign States."

Mr. *Fitzhugh* moved to amend the said amendment, by striking out the following words, to wit: "to fill vacancies occurring during the recess of the Legislature, in offices, the appointment to which is vested in the Legislative body," and to insert, "to appoint persons to fill the vacancies occurring during the recess of the Legislature, in offices, the appointment to which is vested in the Legislature: provided, that such persons, unless re-appointed, shall continue in office only until the end of the next succeeding session of the General Assembly."

And the question being put thereupon, was agreed to by the House.

The question then recurred upon agreeing to the said amendment of the committee of the whole, as amended, and was concurred in by the House.

Mr. *Stuart* now moved that the House take up for consideration, the resolution proposed by him, and laid upon the table.

Mr. *Henderson* moved that the said resolution be now read, which was read as follows:

Strike out all after the word "Resolved," and insert, "that in order to provide for the future equalization of representation, the Legislature shall, in the year 1840, and every ten years thereafter, make provision by law for ascertaining the whole number of qualified voters within the Commonwealth; and shall apportion the representation among the four districts following, to wit: 1st, the country west of the Alleghany; 2d, the country between the Alleghany and Blue Ridge; 3d, the country between the Blue Ridge and tide water; and 4th, the country thence below; according to the number of qualified voters contained in each district, respectively; and shall, in distributing the members to which each of said districts shall be entitled, secure as far as possible, at least one member to each county; provided, that the number of the House of Delegates shall never exceed 140, nor that of the Senate 36."

Upon the suggestion of Mr. *Johnson*, Mr. *Stuart* withdrew his said motion.

The House then proceeded to the consideration of the report of the Judicial Committee.

The first resolution was read as follows:

"Resolved, that the Judicial power shall be vested in a Court of Appeals, in such Inferior Courts as the Legislature shall from time to time ordain and establish, and in the County Courts. The jurisdiction of these tribunals shall be regulated by law. The Judges of the Court of Appeals, and of the Inferior Courts, shall hold their offices during good behaviour, or until removed in the manner prescribed by this Constitution; and shall at the same time hold no other office, appointment or public trust; and the accep-

tance thereof by either of them, shall vacate his Judicial office. No modification or abolition of any Court, shall be construed to deprive any Judge thereof of his office, but such Judge shall perform any Judicial duties which the Legislature shall assign him."

And thereupon, the question being put upon agreeing with the committee of the whole in their proposed amendments to the said resolution, which were to insert, in the first line, after the article "a," the word "Supreme;" and in the fourth line, after the word "Courts," "and in the Justices of the Peace who shall compose the said Courts. The Legislature may also vest such jurisdiction as shall be deemed necessary, in Corporation Courts, and in the Magistrates who may belong to the corporate body."

The said amendments were agreed to by the House.

Mr. Bayly then moved to amend the said resolution, by striking out these words: "and in the County Courts, and in the Justices of the Peace who shall compose the said Courts."

Mr. Henderson moved to amend the amendment, by striking out the definite article "the," before the words "County Courts."

And the question being put thereupon, was determined in the negative.—Ayes 40, Noes 56.

On motion of Mr. Leigh of *Chesterfield*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. John B. Clopton,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob Williamson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,

Messrs. William Byars,  
Henley Chapman,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
William F. Gordon,  
Lucas P. Thompson,  
Thomas R. Joynes,  
Thomas M. Bayly,  
Abel P. Upshur.—40.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Alfred H. Powell,
John W. Jones,	Thomas Griggs, jun.
Benjamin W. Leigh,	Philip C. Pendleton,
Samuel Taylor,	John Roane,
William B. Giles,	William P. Taylor,
William H. Brodnax,	Richard Morris,
George C. Dromgoole,	James M. Garnett,
Mark Alexander,	Gordon Cloyd,
William O. Goode,	John P. Mathews,
John Marshall,	John S. Barbour,
John Tyler,	John Scott,
Philip N. Nicholas,	John Macrae,
Briscoe G. Baldwin,	John W. Green,
Chapman Johnson,	Littleton W. Tazewell,
Fleming B. Miller,	George Loyall,
John Y. Mason,	Joseph Prentis,
James Trezvant,	Hugh B. Grigsby,
Augustine Claiborne,	Samuel Branch,
John Urquhart,	George Townes,
John Randolph,	Joseph Martin,
William Leigh,	Archibald Stuart, jun.
Richard Logan,	James Pleasants,
Richard N. Venable,	Thomas Massie, jun.
James Madison,	Fleming Bates,
Robert Stanard,	Augustine Neale,
Waller Holladay,	Alexander F. Rose,
Joshua Osborne,	John Coalter,
John R. Cooke,	William K. Perrin.—56.

Mr. *Bayly* then modified his proposed amendment, so as to strike out the words "in the County Courts, and who shall compose the County Courts."

And the question being put thereupon, was determined in the negative.—Ayes 27, Noes 68.

On motion of Mr. *Bayly*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,	Messrs. Samuel M'D. Moore,
Samuel Coffin,	William Smith,
Peachy Harrison,	John Baxter,
Jacob Williamson,	Charles F. Mercer,

Messrs. Richard H. Henderson, Messrs. Philip Doddridge, —  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Andrew M'Millan,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Charles S. Morgan,  
 Alexander Campbell, —  
 William Campbell,  
 James Saunders,  
 Benj. W. S. Cabell, —  
 Lucas P. Thompson,  
 Thomas R. Joynes, —  
 Thomas M. Bayly.—27.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, (Pres't.) Messrs. Philip C. Pendleton,  
 John W. Jones,  
 Benjamin W. Leigh, —  
 Samuel Taylor,  
 William B. Giles, —  
 William H. Brodnax,  
 George C. Dromgoole,  
 Mark Alexander, —  
 William O. Goode, —  
 John Marshall, —  
 John Tyler, —  
 Philip N. Nicholas, —  
 John B. Clopton,  
 Briscoe G. Baldwin,  
 Chapman Johnson, —  
 William M'Coy,  
 Andrew Beirne,  
 Fleming B. Miller,  
 John Y. Mason, —  
 James Trezvant, —  
 Augustine Claiborne, —  
 John Urquhart, —  
 John Randolph, —  
 William Leigh, —  
 Richard Logan,  
 Richard N. Venable,  
 James Madison, —  
 Robert Stanard, —  
 Waller Holladay,  
 William H. Fitzhugh, —  
 Joshua Osborne,  
 John R. Cooke, —  
 Alfred H. Powell, —  
 Thomas Griggs, jun.  
 John B. George,  
 Edward Campbell,  
 William Byars,  
 John Roane, —  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett, —  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 Adam See,  
 John S. Barbour, —  
 John Scott,  
 — John Macrae,  
 John W. Green,  
 Littleton W. Tazewell, —  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby, —  
 Samuel Claytor,  
 Samuel Branch,  
 George Townes,  
 Joseph Martin,  
 Archibald Stuart, jun. —  
 James Pleasants,  
 William F. Gordon, —  
 Thomas Massie, jun. —  
 Fleming Bates,  
 Augustine Neale, —  
 Alexander F. Rose,  
 John Coalter,  
 — Abel P. Upshur, —  
 William K. Perrin.—68.

The second resolution of the report of the Judicial Committee, was then read as follows :

“Resolved, that the present Judges of the Court of Appeals, Judges of the General Court, and Chancellors, remain in office until the expiration of the first session of the Legislature, held under the new Constitution, and no longer; but the Legislature may cause to be paid such of them as shall not be re-appointed, such sum as from their age, infirmities, and past services, shall be deemed reasonable.”

And thereupon the question being put upon agreeing with the committee of the whole in their amendments to the said resolution, which were to strike out the word “first,” in the third line, and insert the same word before “Legislature;” and to strike out the word “held,” in the fourth line, and insert “elected,” the said amendments were agreed to by the House.

The third resolution of the report of the Judicial Committee, was then read as follows :

“Resolved, that the Judges of the Court of Appeals, and Inferior Courts, except Justices of the County Courts, and the Aldermen or other Magistrates of Corporation Courts, shall be elected by the concurrent vote of both Houses of the General Assembly, each House voting separately, and having a negative on the other, and the members thereof voting *viva voce*. The votes of the members shall be entered on the Journals of their respective Houses. Should the two Houses, in any case, fail to concur in the election of a Judge, during the session, the Governor shall decide the election, by appointing one of the two persons who first received a majority of votes in the Houses in which they were respectively voted for; but if any vacancy shall occur during the recess of the General Assembly, the Governor, or other person performing the duty of Governor, may appoint a person to fill such vacancy, who shall continue in office until the end of the next succeeding session of the General Assembly.”

And thereupon the question being put upon agreeing with the committee of the whole in their amendments to the said resolution, which were to strike out the word “concurrent,” in the fourth line, and insert the word “joint;” and beginning with the word “each,” in the fifth line, and ending with the word “for,” in the twelfth line, the said amendments were agreed to by the House.—Ayes 88, Noes 7.

On motion of Mr. Thompson, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William Donaldson,
John W. Jones,	Elisha Boyd,
Benjamin W. Leigh,	Philip C. Pendleton,
Samuel Taylor,	John B. George,
William B. Giles,	Andrew M'Millan,
William H. Brodnax,	Edward Campbell,
George C. Dromgoole,	William Byars,
Mark Alexander,	John Roane,
William O. Goode,	William P. Taylor,
John Marshall,	Richard Morris,
John Tyler,	James M. Garnett,
Philip N. Nicholas,	Gordon Cloyd,
William Anderson,	Henley Chapman,
Samuel Coffman,	John P. Mathews,
Peachy Harrison,	William Oglesby,
Jacob Williamson,	Edwin S. Duncan,
Briscoe G. Baldwin,	John Laidley,
Chapman Johnson,	Lewis Summers,
William M'Coy,	Adam See,
Samuel M'D. Moore,	Philip Doddridge,
Andrew Beirne,	Charles S. Morgan,
William Smith,	Alexander Campbell,
Fleming B. Miller,	John S. Barbour,
John Baxter,	John Macrae,
John Y. Mason,	Littleton W. Tazewell,
James Trezvant,	George Loyall,
Augustine Claiborne,	Joseph Prentis,
John Urquhart,	Hugh B. Grigsby,
John Randolph,	William Campbell,
William Leigh,	James Saunders,
Richard Logan,	Samuel Branch,
Richard N. Venable,	George Townes,
James Madison,	Benj. W. S. Cabell,
Robert Stanard,	Joseph Martin,
Waller Holladay,	Archibald Stuart, jun.
Charles F. Mercer,	James Pleasants,
William H. Fitzhugh,	William F. Gordon,
Richard H. Henderson,	Fleming Bates,
Joshua Osborne,	Augustine Neale,
John R. Cooke,	Alexander F. Rose,
Alfred H. Powell,	John Coalter,
Thomas Griggs, jun.	Thomas M. Bayly,
James M. Mason,	Abel P. Upshur,
William Naylor,	William K. Perrin.—88.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. John B. Clopton,  
John Scott,  
John W. Green,  
Samuel Claytor,

Messrs. Lucas P. Thompson,  
• Thomas Massie, jun.  
• Thomas R. Joynes.—7.

The fourth resolution of the report of the Judicial Committee, was then read as follows:

“Resolved, that the Judges of the Court of Appeals, and of the Inferior Courts, shall receive fixed and adequate salaries, which shall not be diminished during their continuance in office.”

And thereupon the question being put upon agreeing with the committee of the whole in their amendment to the said resolution, which was to insert after the word “Courts,” in the second line, “except Justices of the County Courts, and the Aldermen or other Magistrates of Corporation Courts;” the said amendment was disagreed to by the House.

The fifth resolution of the report of the Judicial Committee, was then read as follows:

“Resolved, that on the creation of any new county, Justices of the Peace shall be appointed in the first instance, as may be prescribed by law. When vacancies shall occur in any county, or it shall for any cause be deemed necessary to increase their number, appointments shall be made by the Governor, by and with the advice and consent of the Senate, on the recommendation of their respective County Courts.”

And thereupon the question being put upon agreeing with the committee of the whole in their amendments to the said resolution, which were to insert, after the word “instance,” in the second line, the words “in such manner;” and after the word “Governor,” in the fifth line, to strike out “by and with the advice and consent of the Senate;” the said amendments were agreed to by the House.

The amendments proposed in committee of the whole, to the report of the Judicial Committee, having been gone through by the House,

Mr. *Doddridge* moved to amend the first resolution of the report of the Judicial Committee, as amended, by striking out the indefinite article “a,” in the first line, before the words “Supreme Court of Appeals,” and insert the definite article “the.”

And the question being put thereupon, was determined in the negative.

Mr. *Campbell* of *Brooke* then moved to amend the same resolution, by inserting the words “organization and,” before the word “jurisdiction,” in the eighth line.

And the question being put thereupon, was determined in the negative.—Ayes 40, Noes 56.

On motion of *Mr. Campbell of Brooke*, (seven of the members present concurring.)

Ordered; that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John B. Clopton,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob Williamson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
John B. George,  
Andrew M'Millan,

Messrs. Edward Campbell,  
William Byars,  
Henley Chapman,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Archibald Stuart, jun.  
Lucas P. Thompson,  
Thomas R. Joynes,  
Thomas M. Bayly.—40.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Augustine Claiborne,
John W. Jones,	John Urquhart,
Benjamin W. Leigh,	John Randolph,
Samuel Taylor,	William Leigh,
William B. Giles,	Richard Logan,
William H. Brodnax,	Richard N. Venable,
George C. Dromgoole,	James Madison,
Mark Alexander,	Robert Stanard,
William O. Goode,	Waller Holladay,
John Marshall,	John R. Cooke,
John Tyler,	Alfred H. Powell,
Philip N. Nicholas,	Thomas Griggs, jun.
Briscoe G. Baldwin,	Philip C. Pendleton,
Chapman Johnson,	John Roane,
Fleming B. Miller,	William P. Taylor,
John Y. Mason,	Richard Morris,
James Trezvant,	James M. Garnett,



Messrs. Gordon Cloyd,  
 John P. Mathews,  
 John S. Barbour,  
 John Scott,  
 John Macrae,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentiss,  
 Hugh B. Grigsby,  
 Samuel Branch,

Messrs. George Towaes,  
 Joseph Martin,  
 James Pleasants,  
 William F. Gordon,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Abel P. Upshur,  
 William K. Perrin.—56.

Mr. *Thompson* moved to amend the said resolution, by striking out the following, to wit: "no modification or abolition of any Court, shall be construed to deprive any Judge thereof of his office, but such Judge shall perform any Judicial duties which the Legislature shall assign him."

And the question being put thereupon, was determined in the negative.—Ayes 44, Noes 52.

On motion of Mr. *Campbell of Brooke*, (seven of the members present concurring.)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, (*Pres't.*)  
 John W. Jones,  
 William B. Giles,  
 George C. Dromgoole,  
 Mark Alexander,  
 William O. Goode,  
 John B. Clopton,  
 William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob Williamson,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 John Baxter,  
 Augustine Claiborne,  
 John Randolph,  
 Joshua Osborne,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,

Messrs. William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Adam See,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Littleton W. Tazewell,  
 George Loyall,  
 Hugh B. Grigsby,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas M. Bayly.—44.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. Benjamin W. Leigh,	Messrs. William Donaldson,
Samuel Taylor,	Elisha Boyd,
William H. Brodnax,	Philip C. Pendleton,
John Marshall,	John Roane,
John Tyler,	William P. Taylor,
Philip N. Nicholas,	Richard Morris,
Briscoe G. Baldwin,	James M. Garnett,
Chapman Johnson,	Lewis Summers,
Fleming B. Miller,	Philip Doddridge,
John Y. Mason,	Eugenius M. Wilson,
James Trezvant,	John S. Barbour,
John Urquhart,	John Scott,
William Leigh,	John Macrae,
Richard Logan,	John W. Green,
Richard N. Venable,	Joseph Prentis,
James Madison,	Samuel Branch,
Robert Stanard,	George Townes,
Waller Holladay,	Archibald Stuart, jun.
Charles F. Mercer,	Thomas Massie, jun.
William H. Fitzhugh,	Fleming Bates,
Richard H. Henderson,	Augustine Neale,
John R. Cooke,	Alexander F. Rose,
Alfred H. Powell,	John Coalter,
Thomas Griggs, jun.	Thomas R. Joynes,
James M. Mason,	Abel P. Upshur,
William Naylor,	William K. Perrin.—52.

On motion of Mr. Claiborne, the Convention adjourned.

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#### THURSDAY, DECEMBER 24, 1829.

The Convention met pursuant to adjournment.

The first resolution of the report of the Judicial Committee, as amended, was read as follows:

“Resolved, that the Judicial power shall be vested in a Supreme Court of Appeals, in such Inferior Courts as the Legislature shall from time to time ordain and establish, in the County Courts, and in the Justices of the Peace who shall compose the said Courts; the Legislature may also vest such jurisdiction as may be deemed necessary, in Corporation Courts, and in the Magistrates who belong to the corporate body. The jurisdiction of these tribunals

shall be regulated by law. The Judges of the Court of Appeals, and of the Inferior Courts, shall hold their offices during good behaviour, or until removed in the manner prescribed by this Constitution, and shall at the same time hold no other office, appointment, or public trust; the acceptance thereof, by either of them, shall vacate his Judicial office. No modification or abolition of any Court, shall be construed to deprive any Judge thereof of his office, but such Judge shall perform any Judicial duties which the Legislature shall assign him."

Mr. *Thompson* moved to amend the said resolution, as amended, by inserting after the word "Constitution," in the eleventh line, the following: "but no person who shall have arrived at the age of years, shall be appointed to, or continue in, the office of Judge in this State."

Mr. *Henderson* moved to amend the proposed amendment, by adding, "unless he shall be re-elected by the Legislature; on which event, he may serve for years more, and no longer."

And the question being put upon the said amendment to the amendment, was determined in the negative.

The question was then put upon Mr. *Thompson's* proposed amendment, and determined in the negative.—Ayes 27, Noes 69.

On motion of Mr. *M'Coy*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. William Anderson,  
Samuel Coffman,  
Jacob Williamson,  
William M'Coy,  
Andrew Beirne,  
William Smith,  
John Baxter,  
Richard N. Venable,  
Richard H. Henderson,  
John R. Cooke,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,

Messrs. Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
William Campbell,  
James Saunders,  
Benj. W. S. Cabell,  
Joseph Martin,  
Lucas P. Thompson,  
Abel P. Upshur.—27.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, (*Pres't.*) Messrs. Benjamin W. Leigh,  
John W. Jones, Samuel Taylor,

Messrs. William B. Giles,	Messrs. Philip C. Pendleton,
William H. Brodnax,	John Roane,
George C. Dromgoole,	William P. Taylor,
Mark Alexander,	Richard Morris,
William O. Goode,	James M. Garnett,
John Marshall,	Edwin S. Duncan,
John Tyler,	John Laidley,
Philip N. Nicholas,	Lewis Summers,
John B. Clifton,	Adam See,
Peachy Harrison,	Eugenius M. Wilson,
Briscoe G. Baldwin,	John S. Barbour,
Chapman Johnson,	John Scott,
Samuel M'D. Moore,	John Macrae,
Fleming B. Miller,	John W. Green,
John Y. Mason,	Littleton W. Tazewell,
James Trezvant,	George Loyall,
Augustine Claiborne,	Joseph Prentiss,
John Urquhart,	Hugh B. Grigsby,
John Randolph,	Samuel Claytor,
William Leigh,	Samuel Branch,
Richard Logan,	George Townes,
James Madison,	Archibald Stuart, jun.
Robert Stanard,	James Pleasants,
Waller Holladay,	William F. Gordon,
Charles F. Mercer,	Thomas Massie, jun.
William H. Fitzhugh,	Fleming Bates,
Joshua Osborne,	Augustine Neale,
Alfred H. Powell,	Alexander F. Rose,
Thomas Griggs, jun.	John Coalter,
James M. Mason,	Thomas R. Joynes,
William Naylor,	Thomas M. Bayly,
William Donaldson,	William K. Perrin.—69.
Elisha Boyd,	

Mr. *Doddridge* then moved to lay the said first and second resolutions upon the table, which was agreed to by the House.

The third resolution of the said report, as amended, was then read as follows :

“Resolved, that the Judges of the Court of Appeals and Inferior Courts, except Justices of the County Courts, and the Aldermen, or other Magistrates of Corporation Courts, shall be elected by joint vote of both Houses of the General Assembly ; but if any vacancy shall occur during the recess of the General Assembly, the Governor, or other person performing the duty of Governor, may appoint a person to fill such vacancy, who shall continue in office until the end of the next succeeding session of the General Assembly.”

A motion was made by Mr. *Doddridge*, to amend the same, by striking out the words "except Justices of the County Courts, and the Aldermen, or other Magistrates of Corporation Courts," which was agreed to by the House.

The question being put upon the adoption of the said resolution, as amended, was determined in the affirmative.

The fourth resolution of the report of the Judicial Committee, as amended, was then read as follows :

"Resolved, that the Judges of the Court of Appeals, and of the Inferior Courts, shall receive fixed and adequate salaries, which shall not be increased or diminished during their continuance in office."

And the question being put upon the adoption of the said resolution, as amended, was determined in the affirmative.

The fifth resolution of the report of the Judicial Committee, as amended, was then read as follows :

"Resolved, that on the creation of any new county, Justices of the Peace shall be appointed in the first instance, in such manner as may be prescribed by law. When vacancies shall occur in any county, or it shall for any cause be deemed necessary to increase their number, appointments shall be made by the Governor, on the recommendation of their respective County Courts."

Mr. *Upshur* moved to amend the said resolution, as amended, by striking out the words "on the recommendation of their respective County Courts," and inserting as follows : "before any Justice of the Peace shall be appointed to fill any vacancy which may hereafter occur, or to increase the number of Justices in any county of this Commonwealth, it shall be the duty of the County Court thereof to lay off and divide the said county into as many wards or districts as may be deemed proper. Every Justice now in office, and each one who may hereafter be appointed, shall be assigned to some one of the said wards, but shall nevertheless exercise his functions throughout the said county. Whenever a Justice shall hereafter be nominated, it shall be the duty of the Court making such nomination, to cause the same to be advertised at least days, at the door of their Court-house, stating the name of the person nominated, and the ward for which he shall be nominated, before the same shall be sent on to the Executive : and if the qualified voters of said ward shall disapprove of said nomination, such voters shall have power, a majority of them concurring, to nominate some other person for said office, which nomination shall be returned to the County Court, and be sent on to the Executive, together with the nomination made by the said Court. And the Executive shall appoint either of the persons so nominated, as may be deemed proper : Provided, that the person to be nominated by the County Court, or by any ward, shall be a resident citizen of the county, but need not be a resident of the ward for which he shall be so nominated."

And the question being put thereupon, was determined in the negative.—Ayes 43, Noes 53.

On motion of Mr. *Upshur*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William G. Goode,	Messrs. Edwin S. Duncan,
John B. Clopton,	John Laidley;
William Anderson,	Adam See,
Samuel Coffman,	Philip Doddridge,
Peachy Harrison,	Charles S. Morgan,
Jacob D. Williamson,	Alexander Campbell,
William M'Coy,	Eugenius M. Wilson,
Samuel M'D. Moore,	William Campbell,
Andrew Beirne,	Samuel Claytor,
William Smith,	James Saunders,
Flaming B. Miller,	Benj. W. S. Cabell,
John Baxter,	Joseph Martin,
Richard H. Henderson,	Archibald Stuart, jun.
Joshua Osborne,	William F. Gordon,
William Naylor,	Lucas P. Thompson,
William Donaldson,	Thomas Massie, jun.
John B. George,	Augustine Neale,
Andrew M'Millan,	Thomas R. Joynes,
William Byars,	Thomas M. Bayly,
Henley Chapman,	Abel P. Upshur,
John P. Mathews,	William K. Perrin.—43.
William Oglesby,	

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John Y. Mason,
John W. Jones,	James Trezvant,
Benjamin W. Leigh,	Augustine Claiborne,
Samuel Taylor,	John Urquhart,
William B. Giles,	John Randolph,
William H. Brodnax,	William Leigh,
George C. Dromgoole,	Richard Logan,
Mark Alexander,	Richard N. Venable,
John Marshall,	James Madison,
John Tyler,	Robert Stanard,
Philip N. Nicholas,	Waller Holladay,
Briscoe G. Baldwin,	Charles E. Mercer,
Chapman Johnson,	William H. Fitzhugh,

Messrs. John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 Edward Campbell,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 Gordon Cloyd,  
 Lewis Summers,  
 John S. Barbour,

Messrs. John Scott,  
 John Macrae,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 Samuel Branch,  
 George Townes,  
 James Pleasants,  
 Fleming Bates,  
 Alexander F. Rose,  
 John Coalter.—53.

Mr. *Thompson* then moved to amend the fifth resolution of the report of the Judicial Committee, as amended, by striking out the words, "by the Governor, on the recommendation of their respective County Courts," and insert, "in the following manner, that is to say: the County Court shall, at the term thereof next preceding the day of the annual election of the members of the General Assembly, enter of record the fact of the occurrence of such vacancy or vacancies, or that in their opinion other Justices ought to be added to the Commission of the Peace in such county, and how many: whereupon it shall be the duty of the Sheriff at the election of the County Delegates, next succeeding, to open a poll or polls; for the number of Justices which shall have been designated by the said County Court, and to make return to the Governor of the persons that shall receive the greatest number of the qualified votes of the county: the Governor shall within . days commission the persons, or any part thereof, so returned, unless in his opinion the public interest should justify his refusal; and in the event of his refusal to commission all, or any part, he shall without delay transmit to the County Court the reasons of such refusal; but upon a second election by the qualified voters, of the person or persons so rejected in the first instance by him, the duty of the Governor to commission shall be imperative."

Mr. *Powell* moved to divide the question, so as first to be taken upon the motion to strike out; which was agreed to by the House.

The question was then put upon striking out the words, "by the Governor, on the recommendation of their respective County Courts," in the said fifth resolution, and determined in the negative.—Ayes 38, Noes 58.

On motion of Mr. *Campbell of Brooke*, (seven of the members present concurring.)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

**Messrs.** William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
Joshua Osborne,  
William Donaldson,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Henley Chapman,

**Messrs.** John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Adam See,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Joseph Martin,  
Archibald Stuart, jun.  
William F. Gordon,  
Lucas P. Thompson,  
Thomas Massie, jun.  
Thomas R. Joynes,  
Thomas M. Bayly.—38.

*And the names of the gentlemen who voted in the negative, are :*

**Messrs.** P. P. Barbour, (*Pres't.*)  
John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton,  
Briscoe G. Baldwin,  
Chapman Johnson, y  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,

**Messrs.** James Madison,  
Robert Stanard,  
Waller Holladay,  
Richard H. Henderson,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
Elisha Boyd,  
Philip C. Pendleton,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
Gordon Cloyd,  
Lewis Summers,  
Philip Doddridge,  
John S. Barbour,  
John Scott,  
John Macrae,  
John W. Green,  
Littleton W. Tazewell,



Messrs. George Loyall,  
Joseph Prentis,  
Hugh B. Grigsby,  
Samuel Branch,  
George Townes,  
James Pleasants,

Messrs. Fleming Bates,<sup>2</sup>  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Abel P. Upshur,  
William K. Pettin.—58.

Mr. *Claytor* then moved to amend the same resolution, by striking out all after the word "Resolved," and inserting, "that Justices of the Peace shall hereafter be appointed in such mode as shall be prescribed by law : Provided, that no law altering the present mode shall be enacted, except by the concurrence of a majority of the members elected to both Houses ; and the Ayes and Noes on all such laws, shall be entered on the Journals of both Houses."

Mr. *Dromgoole* moved to divide the question, so as first to be taken upon the motion to strike out ; which was agreed to by the House.

The question was then put upon striking out the said resolution as proposed, and determined in the negative.—Ayes 44, Noes 52.

On motion of Mr. *Claytor*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal..

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John B. Clopton,  
William Anderson,  
Samuel Coffinan,  
Peachy Harrison,  
Jacob D. Williamson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,

Messrs. William Byars,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Archibald Stuart, jun.  
Lucas P. Thompson,  
Thomas Massie, jun.  
Thomas R. Joynes,  
Thomas M. Bayly,  
Abel P. Upshur.—44.

*And the names of the gentlemen who voted in the negative, are :*

<b>Messrs.</b> P. P. Barbour, ( <i>Pres't.</i> )	<b>Messrs.</b> Thomas Griggs, jun.
John W. Jones,	James M. Mason,
Benjamin W. Leigh,	Philip C. Pendleton,
Samuel Taylor,	John Roane,
William B. Giles,	William P. Taylor,
William H. Brodnax,	Richard Morris,
George C. Dromgoole,	James M. Garnett,
Mark Alexander,	Gordon Cloyd,
William O. Goode,	John S. Barbour,
John Marshall,	John Scott,
John Tyler,	John Macrae,
Philip N. Nicholas,	John W. Green,
Briscoe G. Baldwin,	Littleton W. Tazewell,
Chapman Johnson,	George Loyall,
John Y. Mason,	Joseph Prentis,
James Trezvant,	Hugh B. Grigsby,
Augustine Claiborne,	Samuel Branch,
John Urquhart,	George Townes,
John Randolph,	Joseph Martin,
William Leigh,	James Pleasants,
Richard Logan,	William F. Gordon,
Richard N. Venable,	Fleming Bates,
James Madison,	Augustine Neale,
Robert Stanard,	Alexander F. Rose,
Waller Holladay,	John Coalter,
Alfred H. Powell,	William K. Perrin.—52.

Mr. *Wilson* then moved to amend the said resolution, by striking out the following words : "on the recommendation of their respective County Courts."

And the question being put thereupon, was determined in the negative.—Ayes 23, Noes 73.

On motion of Mr. *Wilson*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

<b>Messrs.</b> John B. Clopton,	<b>Messrs.</b> William Smith,
William Anderson,	John Baxter,
Samuel Coffman,	John B. George,
Peachy Harrison,	Henley Chapman,
Jacob D. Williamson,	William Oglesby,
William M'Coy,	Edwin S. Duncan,

Messrs. John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,

Messrs. Eugenius M. Wilson,  
William Campbell,  
William F. Gordon,  
Thomas R. Joynes,  
Thomas M. Bayly.—23.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William Donaldson,
John W. Jones,	Elisha Boyd,
Benjamin W. Leigh,	Philip C. Pendleton,
Samuel Taylor,	Andrew M'Millan,
William B. Giles,	Edward Campbell,
William H. Brodnax,	William Byars,
George C. Dromgoole,	John Roane,
Mark Alexander,	William P. Taylor,
William O. Goode,	Richard Morris,
John Marshall,	James M. Garnett,
John Tyler,	Gordon Cloyd,
Philip N. Nicholas,	John P. Mathews,
Briscoe G. Baldwin,	John S. Barbour,
Chapman Johnson,	John Scott,
Samuel M'D. Moore,	John Macrae,
Andrew Beirne,	John W. Green,
Fleming B. Miller,	Littleton W. Tazewell,
John Y. Mason,	George Loyall,
James Trezvant,	Joseph Prentis,
Augustine Claiborne,	Hugh B. Grigsby,
John Urquhart,	Samuel Clayton,
John Randolph,	James Saunders,
William Leigh,	Samuel Branch,
Richard Logan,	George Townes,
Richard N. Venable,	Benj. W. S. Cabell,
James Madison,	Joseph Martin,
Robert Stanard,	Archibald Stuart, jun.
Waller Holladay,	James Pleasants,
Charles F. Mercer,	Lucas P. Thompson,
William H. Fitzhugh,	Thomas Massie, jun.
Richard H. Henderson,	Fleming Bates,
Joshua Osborne,	Augustine Neale,
John R. Cooke,	Alexander F. Rose,
Alfred H. Powell,	John Coalter,
Thomas Griggs, jun.	Abel P. Upshur,
James M. Mason,	William K. Perrin.—73.
William Naylor,	

The question then recurred upon the adoption of the said ~~fifth~~ resolution, as amended, and was determined in the affirmative.

The sixth resolution of the report of the Judicial Committee, was then read as follows :

“Resolved, that the clerks of the several Courts shall be appointed by their respective Courts, and their tenure of office be prescribed by law.”

Mr. *Morgan* moved to amend the said resolution, by striking out after the word “Resolved,” and insert, “that the Legislature shall provide by law for the appointment of clerks to the several Courts, and for their removal from office; but no clerk shall be appointed for a longer period than \_\_\_\_\_ years at any one time.”

And the question being put thereupon, was determined in the negative.—Ayes 15, Noes 80.

On motion of Mr. *Campbell of Brooke*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,	Messrs. Philip Doddridge,
Samuel Coffman,	Charles S. Morgan,
William M'Coy,	Alexander Campbell,
Samuel M'D. Moore,	Eugenius M. Wilson,
Andrew Beirne,	William Campbell,
Fleming B. Miller,	James Saunders,
John Baxter,	Benj. W. S. Cabell.—15.
William Oglesby,	

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (Pres't.)	Messrs. Briscoe G. Baldwin,
John W. Jones,	Chapman Johnson,
Benjamin W. Leigh,	William Smith,
Samuel Taylor,	John Y. Mason,
William B. Giles,	James Trezvant,
William H. Brodnax,	Augustine Claiborne,
George C. Dromgoole,	John Urquhart,
Mark Alexander,	John Randolph,
William O. Goode,	William Leigh,
John Marshall,	Richard Logan,
John Tyler,	Richard N. Venable,
Philip N. Nicholas,	James Madison,
John B. Clopton,	Robert Stanard,
Peachy Harrison,	Waller Holladay,
Jacob D. Williamson,	Charles F. Mercer,

Messrs. William H. Fitzhugh,	Messrs. Adam See,
Richard H. Henderson,	John S. Barbour,
Joshua Osborne,	John Scett,
John R. Cooke,	John Macrae,
Alfred H. Powell,	John W. Green,
Thomas Griggs, jun.	Littleton W. Tazewell,
James M. Mason,	George Loyall,
William Naylor,	Joseph Prentiss,
William Donaldson,	Hugh B. Grigsby,
Elisha Boyd,	Samuel Claytor,
Philip C. Pendleton,	Samuel Branch,
John B. George,	George Townes,
Andrew M'Millan,	Joseph Martin,
Edward Campbell,	Archibald Stuart, jun.
William Byars,	James Pleasants,
John Roane,	William F. Gordon,
William P. Taylor,	Lucas P. Thompson,
Richard Morris,	Thomas Massie, jun.
James M. Garnett,	Augustine Neale,
Gordon Cloyd,	Alexander F. Rose,
Henley Chapman,	John Coalter,
John P. Mathews,	Thomas R. Joynes,
Edwin S. Duncan,	Thomas M. Bayly,
John Laidley,	Abel P. Upshur,
Lewis Summers,	William K. Perrin.—80.

The question then recurred upon the adoption of the said sixth resolution, and was determined in the affirmative.

The seventh resolution of the report of the Judicial Committee, was then read as follows :

“Resolved, that the Judges of the Court of Appeals and of the Inferior Courts, offending against the State, either by mal-administration, corruption, or neglect of duty, or by any other high crime or misdemeanor, shall be impeachable by the House of Delegates; such impeachment to be prosecuted before the Senate. If found guilty by two-thirds of the whole Senate, such person shall be removed from office. And any Judge so impeached, shall be suspended from exercising the functions of his office until his acquittal, or until the impeachment shall be discontinued or withdrawn.”

Mr. Johnson moved to amend the said resolution, by striking out the words “the Senate,” in the sixth line of the said resolution, and insert, “a Court constituted in manner following, that is to say: if a Judge of the Court of Appeals be impeached, the Court for his trial shall consist of at least two-thirds of the whole number of Senators, and a majority of the Judges of the Inferior Courts; and if a Judge of an Inferior Court be impeached, the Court for

his trial shall be composed of the same number of Senators, and a majority of the Court of Appeals."

Which amendment, together with the remaining resolutions, were, on motion of Mr. *Stanard*, laid upon the table.

Mr. *Upshur* moved, that when the Convention adjourn, it adjourn to Monday next, which was determined in the negative.

Mr. *Stanard* then moved, that when the Convention adjourn, it adjourn to meet on Saturday next, which was determined in the affirmative.

On motion of Mr. *Doddridge*, the Convention adjourned until Saturday, eleven o'clock.

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SATURDAY, DECEMBER 26, 1829.

The Convention met pursuant to adjournment.

The seventh resolution of the report of the Judicial Committee, was read as follows :

"Resolved, that the Judges of the Court of Appeals, and of the Inferior Courts, offending against the State, either by mal-administration, corruption, or neglect of duty, or by any other high crime or misdemeanor, shall be impeachable by the House of Delegates; such impeachment to be prosecuted before the Senate. If found guilty by two-thirds of the whole Senate, such persons shall be removed from office. And any Judge so impeached, shall be suspended from exercising the functions of his office, until his acquittal, or until the impeachment shall be discontinued or withdrawn."

Mr. *Johnson's* proposed amendment to the said resolution, was then read as follows :

Strike out the words "the Senate," in the fifth line of the foregoing resolution, and insert, "a Court constituted in manner following, that is to say: if a Judge of the Court of Appeals be impeached, the Court for his trial shall consist of at least two-thirds of the whole number of Senators, and a majority of the Judges of the Inferior Courts; and if a Judge of an Inferior Court be impeached, the Court for his trial shall be composed of the same number of Senators, and a majority of the Court of Appeals."

And the question being put upon the adoption of the proposed amendment, was determined in the negative.—Ayes 4, Noes 83.

On motion of Mr. *Campbell of Brooke*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. Chapman Johnson,      Messrs. James Pleasants,  
Edwin S. Duñcan,                  Alexander F. Rose.—4.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Andrew M'Millan,
John W. Jones,	Edward Campbell,
Benjamin W. Leigh,	William Byars,
Samuel Taylor,	John Roane,
William H. Brodnax,	William P. Taylor,
George C. Dromgoole,	James M. Garnett,
Mark Alexander,	Gordon Cloyd,
William O. Goode,	Henley Chapman,
John Marshall,	John P. Mathews,
Philip N. Nicholas,	William Oglesby,
William Anderson,	John Laidley,
Samuel Coffman,	Lewis Summers,
Peachy Harrison,	Adam See,
Jacob D. Williamson,	Philip Doddridge,
Briscoe G. Baldwin,	Charles S. Morgan,
William M'Coy,	Alexander Campbell,
Samuel M'D. Moore,	Eugenius M. Wilson,
Andrew Beirne,	John S. Barbour,
William Smith,	John Macrae,
Fleming B. Miller,	John W. Green,
John Baxter,	Littleton W. Tazewell,
James Trezvant,	George Loyall,
Augustine Claiborne,	Joseph Prentis,
John Urquhart,	Hugh B. Grigsby,
Richard Logan,	William Campbell,
Richard N. Venable,	Samuel Claytor,
James Madison,	James Saunders,
Robert Stanard,	Samuel Branch,
Waller Holladay,	Benj. W. S. Cabell,
Charles F. Mercer,	Joseph Martin,
William H. Fitzhugh,	Archibald Stuart, jun.
Richard H. Henderson,	William F. Gordon,
Joshua Osborne,	Lucas P. Thompson,
John R. Cooke,	Thomas Massie, jun.
Alfred H. Powell,	Fleming Bates,
Thomas Griggs; jun.	Augustine Neale,
James M. Mason,	John Coalter,
William Naylor,	Thomas R. Joynes,
William Donaldson,	Thomas M. Bayly,
Elisha Boyd,	Abel P. Upshur,
Philip C. Pendleton,	William K. Perrin.—83.
John B. George,	

The eighth resolution of the report of the Judicial Committee, was then read as follows :

“Resolved, that Judges may be removed from office by a vote of the General Assembly ; but two-thirds of the whole number of each House must concur in such vote, and the cause of removal shall be entered on the Journals of each. The Judge against whom the Legislature is about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereupon.”

On motion of Mr. *Leigh of Chesterfield*,

Ordered, that the said resolution be laid upon the table.

Mr. *Henderson* submitted the following resolutions, which were read, to wit :

“1. Resolved, that the chief Executive office of this Commonwealth, ought to be vested in a Governor, to be elected by joint vote of both Houses of the General Assembly, for three years, and to be ineligible for three years thereafter.

“2. Resolved, that the present Executive Council ought to be abolished, and that it is expedient to provide a Council of Advice, to be elected by the General Assembly, consisting of three members, one of whom shall be designated by the General Assembly as Lieutenant-Governor.”

On motion of Mr. *Cooke*,

Ordered, that the same be laid upon the table, and printed for the use of the Convention.

Mr. *Neale* submitted the following proposition, which was read, to wit :

“1. Resolved, that the Senate shall consist of thirty-two members ; nineteen shall be assigned east of the Blue Ridge ; and thirteen west thereof. This arrangement to be permanent.

“2. Resolved, that the rule to re-apportion representation in the House of Delegates, shall be upon the resident freeholders of the Commonwealth : each freehold to be of an assessed value of not less than twenty-five dollars.

“The application of this rule, first to take place in the year 1835, and every twenty years thereafter. Provision to be made by law for ascertaining in 1834, the number of freehold voters possessing freeholds of the assessed value of not less than twenty-five dollars in the several towns and counties of this Commonwealth.”

On motion of Mr. *Cooke*,

Ordered, that the same be laid upon the table, and printed for the use of the Convention.

Mr. *Cooke* then submitted resolutions, intended to be offered as a substitute for the first, second, seventh and eighth resolutions of the report of the Judicial Committee, which were read as follows :



"1. Resolved, that the Judicial power shall be vested in a Supreme Court of Appeals, in a General Court, in such Superior Courts as the Legislature shall from time to time ordain and establish, in the County Courts, and in the Justices of the Peace who shall compose the said Courts. The Legislature may also vest such jurisdiction as shall be deemed necessary, in Corporation Courts, and in the Magistrates who may belong to the corporate body. The jurisdiction of these tribunals shall be regulated by law.

"2. The Judges of the Court of Appeals, of the General Court, and of the said Superior Courts, shall hold their offices during good behaviour, or until removed in the manner prescribed in this Constitution; and shall, at the same time, hold no other office, appointment or public trust; and the acceptance thereof by either of them, shall vacate his judicial office. The said Judges shall be bound to perform any and all judicial duties imposed on them from time to time by law, whether as Common Law Judges, or Chancellors, or both.

"3. The Judges of the Court of Appeals, of the General Court and of the Superior Courts, offending against the State, either by mal-administration, corruption, or neglect of duty, or by any other crime or misdemeanor, shall be impeached by the House of Delegates; such impeachment to be prosecuted before the Senate. If found guilty by two-thirds of the whole Senate, such persons shall be removed from office. And any Judge so impeached shall be suspended from exercising the functions of his office until his acquittal, or until the impeachment shall be discontinued or withdrawn.

"4. That Judges may be removed from office by a vote of the General Assembly, without the assignment of any cause whatever; but two-thirds of the whole number of each House must concur in such vote."

On motion of Mr. *Claytor*,

Ordered, that the said resolutions be laid upon the table, and printed for the use of the Convention.

Mr. *Doddridge* submitted the following resolution, which was read, to wit:

"Resolved, that all the resolutions adopted by this Convention, and proposed in it, be referred to a select committee of members, to prepare and report, either a new Constitution, or amendments to the existing one."

On motion of Mr. *Doddridge*,

Ordered, that the said resolution be laid upon the table, and printed for the use of the Convention.

Mr. *Stuart* submitted the following resolution, which was read, to wit:

"Resolved, that no person shall be capable of holding or being elected to any post of profit; trust or emolument, civil or military, under the Government of this Commonwealth, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may or might terminate in the death of the challenger or challenged. But no person shall be so disqualified, by reason of his having heretofore fought such duel, or sent or accepted such challenge."

On motion of Mr. *Stuart*,

Ordered, that the said resolution be laid upon the table, and printed for the use of the Convention.

The first resolution of the report of the Committee on the Bill of Rights, &c. was then read as follows :

"Resolved, as the opinion of this committee, that the Constitution of this State ought to be so amended, as to provide a mode in which future amendments shall be made therein."

On motion of Mr. *Stanard*,

Ordered, that the said resolution be laid upon the table.

On motion of Mr. *Doddridge*,

Ordered, that the said report be laid upon the table.

Mr. *Campbell of Brooke* then submitted the following resolution, which was read, to wit :

"Whereas Republican institutions and the blessings of free Government originated in, and must always depend upon, the intelligence, virtue and patriotism of the community; and whereas neither intelligence nor virtue can be maintained or promoted in any community without education, it shall always be the duty of the Legislature of this Commonwealth to patronize and encourage such a system of education, or such common schools and seminaries of learning, as will in their wisdom be deemed to be most conducive to secure to the youth of this Commonwealth, such an education as may most promote the public good."

On motion of Mr. *Campbell of Brooke*,

Ordered, that the said resolution be laid upon the table, and printed for the use of the Convention.

On motion of Mr. *Claytor*, the Convention adjourned until Monday, eleven o'clock.

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## MONDAY, DECEMBER 28, 1829.

The Convention met pursuant to adjournment.

Mr. *Stuart* moved, that the second resolution of the report of the Legislative Committee, and the proposition to amend the same, submitted by him, be taken up.

And the question being put thereupon, was determined in the affirmative.—Ayes 47, Noes 40.

On motion of Mr. *Powell*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. John Marshall,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson,  
Briscoe G. Baldwin,  
Chapman Johnson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,

Messrs. John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Archibald Stuart, jun.  
Thomas R. Joynes,  
Abel P. Upshur,  
William K. Perrin.—47.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, (*Pres't.*)  
John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
George C. Dromgoole,  
Mark Alexander,  
Philip N. Nicholas,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,

Messrs. William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,  
Robert Stanard,  
Waller Holladay,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
John S. Barbour,

Messrs. John Scott,  
 John Macrae,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 Samuel Branch,  
 George Townes,

Messrs. Joseph Martin,  
 James Pleasants,  
 William F. Gordon,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas M. Bayly.—40.

The second resolution of the report of the Legislative Committee, was then read as follows :

“Resolved, that a Census of the population of the State, for the purpose of apportioning the representation, should be taken in the year 1831, the year 1845, and thereafter at least once in every twenty years.”

Which resolution Mr. *Stuart* proposed to amend, by striking out all after the word “Resolved,” and inserting the following by way of substitute :

“That in order to provide for the future equalization of representation, the Legislature shall, in the year 1840, and every ten years thereafter, make provision by law for ascertaining the whole number of qualified voters within the Commonwealth; and shall apportion the representation among the four districts following, to wit: 1st, the country west of the Alleghany; 2d, the country between the Alleghany and Blue Ridge; 3d, the country between the Blue Ridge and tide water; and 4th, the country thence below; according to the number of qualified voters contained in each district, respectively; and shall, in distributing the members to which each of said districts shall be entitled, secure as far as possible, at least one member to each county: Provided, that the number of the House of Delegates shall never exceed 140, nor that of the Senate 36.”

And the question being put upon agreeing to the said amendment, was determined in the negative.—Ayes 42, Noes 49.

On motion of Mr. *Stuart*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob D. Williamson,  
 Briscoe G. Baldwin,

Messrs. Chapman Johnson,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,

Messrs. Fleming B. Miller,	Messrs. William Byars,
John Baxter,	Gordon Cloyd,
Charles F. Mercer,	Henley Chapman,
William H. Fitzhugh,	John P. Mathews,
Richard H. Henderson,	William Oglesby,
Joshua Osborne,	Edwin S. Duncan,
John R. Cooke,	Lewis Summers,
Alfred H. Powell,	Adam See,
Thomas Griggs, jun.	Philip Doddridge,
William Naylor,	Charles S. Morgan,
William Donaldson,	Alexander Campbell,
Elisha Boyd,	Eugenius M. Wilson,
Philip C. Pendleton,	Samuel Claytor,
John B. George,	James Saunders,
Andrew M'Millan,	Benj. W. S. Cabell,
Edward Campbell,	Arch'd Stuart, jun.—42.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. James M. Garnett,
John W. Jones,	John S. Barbour,
Benjamin W. Leigh,	John Scott,
Samuel Taylor,	John Macrae,
William B. Giles,	John W. Green,
William H. Brodnax,	Littleton W. Tazewell,
George C. Dromgoole,	George Loyall,
Mark Alexander,	Joseph Prentis,
John Marshall,	Hugh B. Grigsby,
Philip N. Nicholas,	William Campbell,
John B. Clopton,	Samuel Branch,
John Y. Mason,	George Townes,
James Trezvant,	Joseph Martin,
Augustine Claiborne,	James Pleasants,
John Urquhart,	William F. Gordon,
John Randolph,	Thomas Massie, jun.
William Leigh,	Fleming Bates,
Richard Logan,	Augustine Neale,
Richard N. Venable,	Alexander F. Rose,
James Madison,	John Coalter,
Robert Stanard,	Thomas R. Joynes,
Waller Holladay,	Thomas M. Bayly,
John Roane,	Abel P. Upshur,
William P. Taylor,	William K. Perrin.—49.
Richard Morris,	

On motion of Mr. Gordon,

Ordered, that the said resolution be laid upon the table.

*Mr. Neale* moved that the proposition submitted by him be now taken up ; which was agreed to by the House, and read as follows :

" 1. Resolved, that the Senate shall consist of thirty-two members; nineteen shall be assigned east of the Blue Ridge, and thirteen west thereof. This arrangement to be permanent.

" 2. Resolved, that the rule to re-apportion representation in the House of Delegates, shall be upon the resident freeholders of the Commonwealth; each freehold to be of an assessed value of not less than twenty-five dollars.

" The application of this rule first to take place in the year 1835, and every twenty years thereafter. Provision to be made by law, for ascertaining in 1834 the number of freehold voters possessing freeholds of the assessed value of not less than twenty-five dollars, in the several towns and counties of this Commonwealth."

*Mr. Cooke* proposed to amend the said proposition, by striking out "freeholders," in the second line of the second clause, and insert the words "freehold voters," which was assented to by *Mr. Neale*.

*Mr. M'Coy* moved further to amend the same, by striking out after the word "Commonwealth," in the third line, the following, "each freehold to be of an assessed value of not less than twenty-five dollars," and from the last clause thereof, the words following, to wit ; "possessing freeholds of the assessed value of not less than twenty-five dollars in the several towns and counties of this Commonwealth."

*Mr. Marshall* moved that the said proposition, together with the proposed amendments, be laid upon the table, which upon the suggestion of *Mr. Leigh of Chesterfield*, he afterwards withdrew.

*Mr. Leigh of Chesterfield* then moved that the said proposition, together with the proposed amendments, be indefinitely postponed.

Whereupon, *Mr. Neale* asked leave to withdraw his proposition, which was granted by the House.

*Mr. Scott* then moved, that the House proceed to the consideration of the report of the Judicial Committee, which he afterwards withdrew.

*Mr. Doddridge* moved that the House take up the resolution submitted by him ; which was agreed to, and read as follows :

" Resolved, that all the resolutions adopted by this Convention, and proposed in it, be referred to a select committee of members, to prepare and report either a new Constitution, or amendments to the existing one."

Which motion he afterwards withdrew, upon the suggestion of *Mr. Cooke*.

*Mr. Cooke* then submitted the following resolution, which was read, to wit :

" Resolved, that it is expedient that some rule or principle should be adopted for the future apportionment of representation among the people, and throughout the Commonwealth of Virginia."

Mr. *Scott* moved to amend the said resolution, by adding the following words: "Provided, such rule of apportionment shall receive the votes of a large majority of this House."

Mr. *Stanard* moved to lay the said resolution and proposed amendment upon the table; and the question being put thereupon, was determined in the affirmative.—Ayes 51, Noes 45.

On motion of Mr. *Powell*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Richard Morris,
John W. Jones,	James M. Garnett,
Benjamin W. Leigh,	John S. Barbour,
Samuel Taylor,	John Scott,
William B. Giles,	John Macrae,
William H. Brodnax,	John W. Green,
George C. Dromgoole,	Littleton W. Tazewell,
Mark Alexander,	George Loyall,
John Marshall,	Joseph Prentiss,
John Tyler,	Hugh B. Grigsby,
Philip N. Nicholas,	William Campbell,
John B. Clifton,	Samuel Claytor,
Fleming B. Miller,	Samuel Branch,
John Y. Mason,	George Townes,
James Trezvant,	Joseph Martin,
Augustine Claiborne,	James Pleasants,
John Urquhart,	William F. Gordon,
John Randolph,	Thomas Massie, jun.
William Leigh,	Fleming Bates,
Richard Logan,	Augustine Neale,
Richard N. Venable,	Alexander F. Rose,
James Madison,	John Coalter,
Robert Stanard,	Thomas R. Joynes,
Waller Holladay,	Thomas M. Bayly,
John Roane,	William K. Perrin.—51.
William P. Taylor,	

*And the names of the gentlemen who voted in the negative, are:*

Messrs. William O. Goode,	Messrs. Briscoe G. Baldwin,
William Anderson,	Chapman Johnson,
Samuel Coffman,	William M'Coy,
Peachy Harrison,	Samuel M'D. Moore,
Jacob D. Williamson,	Andrew Beirne,

**Messrs.** William Smith,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,

**Messrs.** Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Archibald Stuart, jun.  
 Lucas P. Thompson,  
 Abel P. Upshur.—45.

*Mr. Doddridge* moved, that the House proceed to the consideration of the report of the Judicial Committee; which was, on the question being put thereupon, determined in the negative.

And then, on motion of *Mr. Pleasants*, the Convention adjourned until to-morrow, eleven o'clock.

## TUESDAY, DECEMBER 29, 1829.

The Convention met pursuant to adjournment.

*Mr. Cooke* moved that the House proceed to the consideration of the report of the Judicial Committee, which was agreed to by the House.

The first resolution of the report of the said Committee, as amended, was read as follows:

“Resolved, that the Judicial power shall be vested in a Supreme Court of Appeals, in such Inferior Courts as the Legislature shall from time to time ordain and establish, in the County Courts, and in the Justices of the Peace who shall compose the said Courts. The Legislature may also vest such jurisdiction as shall be deemed necessary, in Corporation Courts, and in the Magistrates who may belong to the corporate body. The jurisdiction of these Courts shall be regulated by law. The Judges of the Court of Appeals, and of the Inferior Courts, shall hold their offices during good behaviour, or until removed in the manner prescribed in this Constitution, and shall at the same time hold no other office, appointment,



or public trust; and the acceptance thereof, by either of them, shall vacate his Judicial office. No modification or abolition of any Court, shall be construed to deprive any Judge thereof of his office, but such Judge shall perform any Judicial duties which the Legislature shall assign him."

Mr. *Cabell* moved to amend the said resolution, by adding thereto the following: "But if no Judicial duties are assigned him by the Legislature, he shall receive no salary in virtue of said office."

Mr. *Madison* moved to amend the proposed amendment, by striking out these words, "if no Judicial duties are assigned him by the Legislature," and insert in lieu thereof the following: "if there be no Judicial duties properly assignable to him by the Legislature."

And the question being put upon agreeing to the amendment to the amendment, was determined in the negative.

Mr. *Stanard* then proposed to amend the said amendment, by striking out all after the word "but," and inserting as follows: "where a Court shall be abolished, and no new Court substituted in its place, and the duties that had been assigned to the abolished Court, shall be transferred to other Courts, without providing other Judges than those belonging to such other Courts, the offices of the Judges of such abolished Court, may be abolished with the Courts of which they were Judges; and where a Court shall be changed or modified, and new or different duties assigned to the Judges of such Court, the commissions of such Judges may in the discretion of the Legislature, be changed so as to adapt them to the change or modification of the Court."

And the question being put upon agreeing to the said amendment to the amendment, was determined in the negative.—Ayes 2, Noes 93.

On motion of Mr. *Cabell*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Mr. Robert Stanard,

Mr. Abel P. Upshur.—2.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. George C. Dromgoole,
John W. Jones,	Mark Alexander,
Benjamin W. Leigh,	William O. Goode,
Samuel Taylor,	John Marshall,
William B. Giles,	John Tyler,
William H. Brodnax,	Philip N. Nicholas,

**Messrs.** John B. Clopton,  
 William Anderson,  
 Samuel Coffinan,  
 Peachy Harrison,  
 Jacob D. Williamson,  
 Briscoe G. Baldwin,  
 Chapman Johnson,  
 William M'Coy,  
 Samuel M'D: Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 John Y. Mason,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 James Madison,  
 Waller Holladay,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 John Roane,  
 William P. Taylor,

**Messrs.** Richard Morris,  
 James M. Garnett,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugehius M. Wilson,  
 John S. Barbour,  
 John Scott,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Samuel Branch,  
 George Townes,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 William K. Perrin.—93.

Mr. *Stuart* moved to amend the proposed amendment, by striking out all after the word "but," and insert the following: "where a re-organization of the Judiciary shall be made, the Judges in office shall in the first place be assigned to perform the Judicial duties, which may arise under such re-organization; and if there should be more Judges in office, than may be required under the

re-organization, the Legislature by joint vote shall designate which of such Judges shall be considered supernumeraries, who shall, upon such designation, cease to receive their salaries, and no new Judges shall be appointed under any re-organization, so long as there are a sufficient number of Judges in office to perform the Judicial duties, under such re-organization."

And the question being put upon agreeing to the proposed amendment to the amendment, was determined in the negative.

The question then recurred upon agreeing to the amendment to the first resolution, and was determined in the affirmative.—Ayes 59, Noes 36.

On motion of Mr. *Claytor*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William Byars,
John W. Jones,	John Roane,
William B. Giles,	Gordon Cloyd,
George C. Dromgoole,	Henley Chapman,
Mark Alexander,	John P. Mathews,
William O. Goode,	William Oglesby,
John B. Clopton,	Edwin S. Duncan,
William Anderson,	John Laidley,
Samuel Coffman,	Adam See,
Peachy Harrison,	Philip Doddridge,
Jacob D. Williamson,	Charles S. Morgan,
William M'Coy,	Alexander Campbell,
Samuel M'D. Moore,	Eugenius M. Wilson,
Andrew Beirne,	Littleton W. Tazewell,
William Smith,	George Loyall,
John Baxter,	Joseph Prentis,
John Y. Mason,	Hugh B. Grigsby,
James Trezvant,	William Campbell,
Augustine Claiborne,	Samuel Claytor,
John Urquhart,	James Saunders,
John Randolph,	Samuel Branch,
James Madison,	Benj. W. S. Cabell,
Joshua Osborne,	Joseph Martin,
James M. Mason,	Archibald Stuart, jun.
William Naylor,	James Pleasants,
William Donaldson,	William F. Gordon,
Elisha Boyd,	Lucas P. Thompson,
John B. George,	Thomas Massie, jun.
Andrew M'Millan,	Thomas M. Bayly.—59.
Edward Campbell,	

*And the names of the gentlemen who voted in the negative, are:*

Messrs. Benjamin W. Leigh,	Messrs. Alfred H. Powell,
Samuel Taylor,	Thomas Griggs, jun.
William H. Brodnax,	Philip C. Pendleton,
John Marshall,	William P. Taylor,
John Tyler,	Richard Morris,
Philip N. Nicholas,	James M. Garnett,
Briscoe G. Baldwin,	Lewis Summers,
Chapman Johnson,	John S. Barbour,
Fleming B. Miller,	John Scott,
William Leigh,	John W. Green,
Richard Logan,	George Townes,
Richard N. Venable,	Fleming Bates,
Robert Stanard,	Augustine Neale,
Waller Holladay,	Alexander F. Rose,
Charles F. Mercer,	John Coalter,
William H. Fitzhugh,	Thomas R. Joynes,
Richard H. Henderson,	Abel P. Upshur,
John R. Cooke,	William K. Perrin.—36.

The question was then put upon agreeing to the said first resolution, as amended, and determined in the affirmative.

The second resolution of the report of the Judicial Committee, as amended, was then read as follows:

“Resolved, that the present Judges of the Court of Appeals, Judges of the General Court and Chancellors, remain in office until the expiration of the session of the first Legislature elected under the new Constitution, and no longer. But the Legislature may cause to be paid to such of them as shall not be re-appointed, such sum as from their age, infirmities, and past services, shall be deemed reasonable.”

Mr. *Claiborne* moved to strike out the word “Resolved,” in the said resolution.

Mr. *Morgan* moved to amend the said resolution, by striking out the latter clause thereof, in the following words: “but the Legislature may cause to be paid to such of them as shall not be re-appointed, such sum as from their age, infirmities, and past services, shall be deemed reasonable.”

Mr. *Green*, upon his motion, was excused from voting upon this question, by the House.

The question was then put upon agreeing to the proposed amendment, and determined in the affirmative.—Ayes 50, Noes 43.

On motion of Mr. *George*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

<b>Messrs.</b> P. P. Barbour, ( <i>Pres't.</i> )	<b>Messrs.</b> John B. George,
Samuel Taylor,	Andrew M'Millan,
George C. Dromgoole,	Edward Campbell,
Mark Alexander,	William Byars,
William O. Goode,	John Roane,
Philip N. Nicholas,	William P. Taylor,
John B. Clopton,	John P. Mathews,
William Anderson,	William Oglesby,
Samuel Coffman,	John Laidley,
Peachy Harrison,	Lewis Summers,
Jacob D. Williamson,	Charles S. Morgan,
Briscoe G. Baldwin,	Alexander Campbell,
William M'Coy,	Littleton W. Tazewell,
Samuel M'D. Moore,	William Campbell,
Andrew Beirne,	Samuel Claytor,
William Smith,	James Saunders,
Fleming B. Miller,	Samuel Branch,
John Baxter,	George Townes,
John Y. Mason,	Benj. W. S. Cabell,
James Trezvant,	Joseph Martin,
Augustine Claiborne,	Archibald Stuart, jun.
John Urquhart,	James Pleasants,
John Randolph,	William F. Gordon,
William H. Fitzhugh,	Lucas P. Thompson,
James M. Mason,	Fleming Bates.—50.

*And the names of the gentlemen who voted in the negative, are:*

<b>Messrs.</b> John W. Jones,	<b>Messrs.</b> Alfred H. Powell,
Benjamin W. Leigh,	Thomas Griggs, jun.
William B. Giles,	William Naylor,
William H. Brodnax,	William Donaldson,
John Marshall,	Elisha Boyd,
John Tyler,	Philip C. Pendleton,
Chapman Johnson,	Richard Morris,
William Leigh,	James M. Garnett,
Richard Logan,	Gordon Cloyd,
Richard N. Venable,	Henley Chapman,
James Madison,	Edwin S. Duncan,
Robert Stanard,	Adam See,
Waller Holladay,	Philip Doddridge,
Charles F. Mercer,	Eugenius M. Wilson,
Richard H. Henderson,	John S. Barbour,
Joshua Osborne,	John Scott,
John R. Cooke,	George Loyall,

Messrs. Joseph Prentis,  
 Hugh B. Grigsby,  
 Thomas Massie, jun.  
 Augustine Neale,  
 Alexander F. Rose,

Messrs. John Coalter,  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 William K. Perrin.—43.

Mr. Summers, upon his motion, was excused from voting upon the next question, by the House.

The question then recurred upon the motion to strike out the word "Resolved," in the second resolution, and was determined in the negative.—Ayes 32, Noes 59.

On motion of Mr. Claiborne, (seven of, the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. Benjamin W. Leigh,	Messrs. Charles F. Mercer,
Samuel Taylor,	Richard H. Henderson,
William B. Giles,	John R. Cooke,
William H. Brodnax,	Thomas Griggs, jun.
John Marshall,	William Naylor,
Philip N. Nicholas,	Philip C. Pendleton,
Briscoe G. Baldwin,	John Roane,
Chapman Johnson,	Richard Morris,
John Y. Mason,	James M. Garnett,
James Trezvant,	John Scott,
Augustine Claiborne,	Joseph Prentis,
John Urquhart,	Hugh B. Grigsby,
Richard Logan,	James Pleasants,
James Madison,	Fleming Bates,
Robert Stanard,	Augustine Neale,
Waller Holladay,	Alexander F. Rose.—32.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (Pres't.)	Messrs. Jacob D. Williamson,
John W. Jones,	William M'Coy,
George C. Dromgoole,	Samuel M'D. Moore,
Mark Alexander,	Andrew Beirne,
William O. Goode,	William Smith,
John Tyler,	Fleming B. Miller,
John B. Clopton,	John Baxter,
William Anderson,	John Randolph,
Samuel Coffman,	William Leigh,
Peachy Harrison,	Richard N. Venable,

Messrs. William H. Fitzhugh, Joshua Osborne, Alfred H. Powell, James M. Mason, William Donaldson, Elisha Boyd, John B. George, Andrew M'Millan, Edward Campbell, William Byars, William P. Taylor, Gordon Cloyd, Henley Chapman, John P. Matthews, William Oglesby, Edwin S. Duncan, John Laidley, Adam See, Philip Doddridge, Charles S. Morgan,	Messrs. Alexander Campbell, Eugenius M. Wilson, John B. Barbour, Littleton W. Tazewell, George Loyall, William Campbell, Samuel Clayton, James Saunders, Samuel Branch, George Towles, Benj. W. S. Cabell, Joseph Martin, Archibald Stuart, jun. William F. Gordon, Lucas P. Thompson, Thomas Massie, jun. Thomas R. Joyner, Thomas M. Bayly, William K. Pertin--53.
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The question was then put upon agreeing to the said second resolution, as amended; and was determined in the affirmative.

Mr. Giles moved that the Convention do now adjourn, which was determined in the negative.

The eighth resolution of the report of the Judicial Committee, was then read as follows:

"Resolved, that Judges may be removed from office by a vote of the General Assembly; but two-thirds of the whole number of each House must concur in such vote, and the cause of removal shall be entered on the Journals of each. The Judge against whom the Legislature is about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereupon."

Mr. Stuart moved to amend the said resolution, by striking out from the word "vote," in the third line, to the end thereof.

And the question being put thereupon, was determined in the negative.—Ayes 42, Noes 53.

The question was then put upon agreeing to the said eighth resolution, and determined in the affirmative.

Mr. Doddridge moved, that the House take up the resolution submitted by him, and laid upon the table, which was agreed to.

The said resolution was then read as follows:

"Resolved, that all the resolutions adopted by this Convention, and proposed in it, be referred to a select committee of members, to prepare and report, either a new Constitution, or amendments to the existing one."

Mr. *Summers* moved, that the resolution be amended, by striking out the words "and proposed in it," which was agreed to by the House.

Mr. *Giles* again moved, that the Convention do now adjourn, which was determined in the negative.

Mr. *Doddridge* moved, that the blank in the resolution just read, be filled with the word "five."

Mr. *Gordon* moved, that it be filled with the word "seven."

And the question being put upon the latter proposition, was agreed to by the House.—Ayes 54, Noes 41.

The question was then put upon the adoption of the resolution as amended, and determined in the affirmative.

And, on motion of Mr. *Doddridge*, the Convention adjourned until to-morrow, eleven o'clock.

### WEDNESDAY, DECEMBER 30, 1829.

The Convention met pursuant to adjournment.

In conformity with the resolution adopted by the House on yesterday, the *President* appointed the following gentlemen, to wit: Messrs. *Doddridge*, *Madison*, *Marshall*, *Johnson*, *Leigh* of *Chesterfield*, *Tazewell* and *Cooke*, to form the committee proposed by the said resolution.

Mr. *Stuart* moved that the House proceed to consider the resolution submitted by him, which was agreed to, and read as follows, to wit:

"Resolved, that no person shall be capable of holding or being elected to any post of profit, trust or emolument, civil or military, under the Government of this Commonwealth, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may or might terminate in the death of the challenger or challenged: But no person shall be so disqualified, by reason of his having heretofore fought such duel, or sent or accepted such challenge."

Mr. *Stuart* proposed to modify the said resolution, by inserting after the word "challenged," the following: "or who shall be a second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance: and every person who shall be elected or appointed as aforesaid, shall, before he enters upon the duties of his office, take such oath as is or may be prescribed by law, declaring that he has not violated the provision of the Constitution;" and to add to the resolution, "or being second in such duel, or being the bearer of such challenge or acceptance."



Mr. *Naylor* moved to amend the said resolution, as modified, by striking out all after the word "Resolved," and inserting the following, by way of substitute :

"That a provision ought to be inserted in the Constitution, declaratory of the constitutionality of the act of the General Assembly, entitled, 'an act to suppress duelling;' but extending a general pardon to offenders against the act up to the present period."

Mr. *Stanard* moved to amend the said resolution, as modified, by inserting after the word "Resolved," "that the Legislature shall have power to provide by law."

Whereupon, Mr. *Naylor* withdrew his proposed amendment.

And the question being put upon the adoption of Mr. *Stanard's* amendment, was determined in the affirmative.

Mr. *Leigh* of *Chesterfield* then moved to amend the said resolution, as amended, by striking out all except the following: "but no person shall be so disqualified, by reason of his having heretofore fought such duel, or sent or accepted such challenge."

Mr. *Doddridge* moved to amend the said resolution, by striking out the words "terminate in," and insert "be," which was agreed to by Mr. *Stuart*:

Mr. *Venable* moved a division of the question, so that the vote be first taken upon the first part thereof.

Mr. *Cabell* moved indefinitely to postpone the said resolution, together with the proposed amendments, which he afterwards withdrew.

The question then recurred upon striking out the first part of the said resolution as amended, embraced in Mr. *Leigh's* motion, and was determined in the negative.—Ayes 45, Noes 48.

On motion of Mr. *Naylor*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
George C. Dromgoole,  
William O. Goode,  
John Marshall,  
John B. Clopton,  
Chapman Johnson,  
William M'Coy,  
Andrew Beirne,  
Fleming B. Miller,

Messrs. John Y. Mason,  
Augustine Claiborne,  
John Randolph,  
William Leigh,  
Richard Logan,  
Waller Holladay,  
James M. Mason,  
Edward Campbell,  
John Roane,  
William P. Taylor,  
Richard Morris,  
Gordon Cloyd,

Messrs. John P. Mathews,  
Edwin S. Duncan,  
Lewis Summers,  
Charles S. Morgan,  
John S. Barbour,  
John W. Green,  
Littleton W. Tazewell,  
George Loyall,  
Joseph Prentis,  
Hugh B. Grigsby,  
William Campbell,

Messrs. Samuel Branch,  
George Townes,  
Benj. W. S. Cabell,  
Joseph Martin,  
William F. Gordon,  
Lucas P. Thompson,  
Thomas Massie, jun.  
Fleming Bates,  
Thomas M. Bayly,  
William K. Perrin.—45.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (Pres't.)  
William M. Brodnax,  
Mark Alexander,  
John Tyler,  
Philip N. Nicholas,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson,  
Briscoe G. Baldwin,  
Samuel M'D. Moore,  
William Smith,  
John Baxter,  
James Trezvant,  
John Urquhart,  
Richard N. Venable,  
James Madison,  
Robert Stanard,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Thomas Griggs, jun.

Messrs. William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,  
John B. George,  
Andrew M'Millan,  
William Byars,  
Henley Chapman,  
William Oglesby,  
John Laidley,  
Adam See,  
Philip Doddridge,  
Alexander Campbell,  
Eugenius M. Wilson,  
John Scott,  
Samuel Claytor,  
James Saunders,  
Archibald Stuart, jun.  
James Pleasants,  
Augustine Neale,  
Alexander F. Rose,  
John Coater,  
Thomas R. Joynes,  
Abel P. Upshur.—48.

A motion was then made to strike out the residue of the resolution, which is in these words: "And every person who shall be elected or appointed as aforesaid, shall, before he enters upon the duties of his office, take such oath as is or may be prescribed by law, declaring that he has not violated the provision of the Constitution."

Whereupon, Mr. Cabell moved that the said resolution, and proposed amendments, be indefinitely postponed.

And the question being put thereupon, was determined in the negative.—Ayes 27, Noes 66.

On motion of Mr. Cabell, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. George C. Dromgoole,	Messrs. Edwin S. Duncan,
William O. Goode,	Lewis Summers,
John Marshall,	Charles S. Morgan,
Chapman Johnson,	George Loyall,
William M'Coy,	William Campbell,
Fleming B. Miller,	Samuel Branch,
John Randolph,	George Townes,
William Leigh,	Benj. W. S. Cabell,
Richard Logan,	Joseph Martin,
Waller Holladay,	William F. Gordon,
James M. Mason,	Lucas P. Thompson,
John Roane,	Thomas Mastie, jun.
William P. Taylor,	Fleming Bates, † 27.
Richard Morris,	

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, (Pres't.)	Messrs. Augustine Claiborne,
John W. Jones,	John Urquhart,
Benjamin W. Leigh,	Richard N. Venable,
Samuel Taylor,	James Madison,
William B. Giles,	Robert Stanard,
William H. Brodnax,	Charles F. Mercer,
Mark Alexander,	William H. Fitzhugh,
John Tyler,	Richard H. Henderson,
Philip N. Nicholas,	Joshua Osborne,
John B. Clifton,	John R. Cooke,
William Anderson,	Thomas Griggs, jun.
Samuel Coffman,	William Naylor,
Peachy Harrison,	William Donaldson,
Jacob D. Williamson,	Elisha Boyd,
Biscoe G. Baldwin,	Philip C. Pendleton,
Samuel M'D. Moore,	John B. George,
Andrew Beirne,	Andrew M'Millan,
William Smith,	Edward Campbell,
John Baxter,	William Byars,
John Y. Mason,	Gordon Cloyd,
James Trezvant,	Henley Chapman,

Messrs. John P. Mathews,  
William Oglesby,  
John Laidley,  
Adam See,  
Philip Doddridge,  
Alexander Campbell,  
Eugenius M. Wilson,  
John S. Barbour,  
John Scott,  
John W. Green,  
Littleton W. Tazewell,  
Joseph Prentiss,

Messrs. Hugh B. Grigsby,  
Samuel Claytor,  
James Saunders,  
Archibald Stuart, jun.  
James Pleasants,  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas R. Joyner,  
Thomas M. Bayly,  
Abel P. Upshur,  
William K. Perrin.—66.

The question then recurred upon striking out the last clause of the said resolution as amended, and was determined in the affirmative.—Ayes 53, Noes 40.

On motion of Mr. Naylor, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John B. Clepton,  
Briscoe S. Baldwin,  
Chapman Johnson,  
William M'Coy,  
Andrew Beirne,  
William Smith,  
Florence B. Miller,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,

Messrs. James M. Mason,  
Edward Campbell,  
John Roane,  
William P. Taylor,  
Richard Morris,  
Gordon Cloyd,  
Edwin S. Duncan,  
Lewis Summers,  
Charles S. Morgan,  
Alexander Campbell,  
John S. Barbour,  
John W. Green,  
Littleton W. Tazewell,  
George Loyall,  
Joseph Prentiss,  
Hugh B. Grigsby,  
William Campbell,  
Samuel Branch,  
George Townes,  
Benj. W. S. Cabell,  
Joseph Martin,  
William F. Gordon,  
Lucas P. Thompson,  
Thomas Massie, jun.

Messrs. Fleming Bates,  
Augustine Neale,  
Thomas M. Bayly,

Messrs. Abel P. Updegr, .. 4/  
William K. Perrin.—53.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Elisha Boyd,
John Marshall,	Philip C. Pendleton,
John Tyler,	John B. George,
Philip N. Nicholas,	Andrew M'Millan,
William Anderson,	William Byars,
Samuel Coffman,	Henley Chapman,
Peachy Harrison,	John P. Mathews,
Jacob D. Williamson,	William Oglesby,
Samuel M'D. Moore,	John Laidley,
John Baxter,	Adam See,
Robert Stanard,	Philip Doddridge,
Waller Holladay,	Eugenius M. Wilson,
Charles F. Mercer,	John Scott,
William H. Fitzhugh,	Samuel Claytor,
Richard H. Henderson,	James Saunders,
Joshua Osborne,	Archibald Stuart, jun.
John R. Cooke,	James Pleasants,
Thomas Griggs, jun.	Alexander F. Rose,
William Naylor,	John Coalter,
William Donaldson,	Thomas R. Joynes.—40.

The question recurred upon the adoption of the said resolution, as amended, and was determined in the affirmative.—Ayes 71, Noes 22.

On motion of Mr. Stuart, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William Anderson,
John W. Jones,	Samuel Coffman,
Benjamin W. Leigh,	Jacob D. Williamson,
Samuel Taylor,	Briscoe G. Baldwin,
William B. Giles,	Samuel M'D. Moore,
William H. Brodnax,	Andrew Beirne,
Mark Alexander,	William Smith,
John Tyler,	John Baxter,
Philip N. Nicholas,	John Y. Mason,
John B. Clopton,	James Trezvant,

<b>Messrs.</b> Augustine Claiborne,	<b>Messrs.</b> John Laidley,
John Urquhart,	Philip Doddridge,
Richard N. Venable,	Alexander Campbell,
James Madison,	Eugenius M. Wilson,
Robert Stanard,	John S. Barbour,
Waller Holladay,	John Scott,
Charles F. Mercer,	John W. Green,
William H. Fitzhugh,	Littleton W. Tazewell,
Richard H. Henderson,	George Loyall,
Joshua Osborne,	Joseph Prentis,
John R. Cooke,	Hugh B. Grigsby,
Thomas Griggs, jun.	Samuel Claytor,
William Naylor,	James Saunders,
William Donaldson,	Archibald Stuart, jun.
Elisha Boyd,	James Pleasants,
Philip C. Pendleton,	William F. Gordon,
John B. George,	Lucas P. Thompson,
Andrew M'Millan,	Thomas Massie, jun.
Edward Campbell,	Augustine Neale,
William Byars,	Alexander F. Rose,
William P. Taylor,	John Coalter,
Richard Morris,	Thomas R. Joynes,
Gordon Cloyd,	Thomas M. Bayly,
Henley Chapman,	Abel P. Upshur,
William Oglesby,	William K. Perrin.—71.
Edwin S. Duncan,	

*And the names of the gentlemen who voted in the negative, are :*

<b>Messrs.</b> George C. Dromgoole,	<b>Messrs.</b> John Roane,
William O. Goode,	John P. Mathews,
John Marshall,	Lewis Summers,
Peachy Harrison,	Adam See,
Chapman Johnson,	Charles S. Morgan,
William M'Coy,	William Campbell,
Fleming B. Miller,	Samuel Branch,
John Randolph,	George Townes,
William Leigh,	Benj. W. S. Cabell,
Richard Logan,	Joseph Martin,
James M. Mason,	Fleming Bates.—22.

Mr. Campbell of Brooke moved that the House now proceed to the consideration of the resolution submitted by him, and laid upon the table.

And the question being put thereupon, was determined in the negative.

Mr. *Taylor* moved that the House proceed to the consideration of the report of the committee on the Bill of Rights, &c. which was agreed to, and the fifth resolution thereof was read as follows :

"Resolved, that no title of nobility shall be created or granted, and no person holding any office of profit or trust under the United States, or under any King, Prince or foreign State, shall hold any office under this State."

And thereupon the question being put upon agreeing with the committee of the whole in their amendment to the said resolution, which was to strike out the words "under the United States,"

Mr. *Fitzhugh* moved that the said resolution and amendment be indefinitely postponed, which was determined in the affirmative.

The first resolution of the report of the same committee, was read as follows :

"Resolved, as the opinion of this committee, that the Constitution of this State ought to be so amended, as to provide a mode in which future amendments shall be made therein."

And the question being put upon agreeing to the said resolution, was determined in the negative.—Ayes 25, Noes 68.

On motion of Mr. *Randolph*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Smith,  
Fleming B. Miller,  
John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Andrew M'Millan,  
Edward Campbell,  
Lewis Summers,  
Adam See,

Messrs. Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Archibald Stuart, jun.  
Lucas P. Thompson,  
Thomas R. Joynes,  
Thomas M. Bayly,  
Abel P. Upshur.—25.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (Pres't.) Messrs. William H. Brodnax,  
John W. Jones, George C. Dromgoole,  
Benjamin W. Leigh, Mark Alexander,  
Samuel Taylor, William O. Goode,  
William B. Giles, John Marshall,

**Messrs. John Tyler,**  
 Philip N. Nicholas,  
 John B. Clopton,  
 William Anderson,  
 Samuel Coffin,  
 Peachy Harrison,  
 Jacob D. Williamson,  
 Briscoe G. Baldwin,  
 Chapman Johnson,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 John Y. Mason,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 James Madison,  
 Robert Stanard,  
 Waller Holladay,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Thomas Griggs, jun.  
 Philip C. Pendleton,  
 John B. George,

**Messrs. William Byars,**  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 John S. Barbour,  
 John Scott,  
 John W. Green,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentiss,  
 Hugh B. Grigsby,  
 William Campbell,  
 Samuel Branch,  
 George Townes,  
 Joseph Martin,  
 James Pleasants,  
 William F. Gordon,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 William K. Perrin.—68.

The second resolution of the report of the same committee, was then read as follows :

“Resolved, that the first and second sections of the present Constitution, ought to be stricken out, and that an introductory clause adapted to the amended Constitution, be substituted in lieu thereof.”

And on motion of Mr. *Taylor*, the said resolution was laid upon the table.

The third resolution was then read as follows :

“Resolved, that the twelfth, twenty-first and twenty-second sections of the present Constitution ought to be stricken out, as no longer necessary.”

On motion of Mr. *Taylor*, the said resolution was laid upon the table.

The fourth resolution of the report of the same committee, was then read as follows :

“Resolved, that the freedom of Speech, and of the Press, ought to be held sacred, and guaranteed by the Constitution.”



And the question being put upon agreeing to the said resolution, was determined in the affirmative.

The sixth resolution of the report of the same committee, was then read as follows :

“Resolved, as the opinion of this committee, that the Constitution ought to be so amended as to provide that no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief ; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise diminish, enlarge or affect their civil capacities.”

On motion of Mr. *Taylor*, the said resolution was laid upon the table.

Mr. *Doddridge* submitted the following resolution :

“Resolved, that all the resolutions which have been agreed to by the House, be printed for the use of the members of this Convention, under the direction of the *President* thereof.”

And the question being put thereupon, was agreed to by the House.

Mr. *Doddridge* moved that when this House adjourns, it adjourn to meet on Saturday next, at eleven o'clock.

Mr. *Mason* of *Southampton*, submitted the following resolution :

“Resolved, that the Select Committee, raised “to prepare and report, either a new Constitution, or amendments to the existing one,” be instructed to report an apportionment of the representation in the Senate and House of Delegates, amongst the several counties, boroughs, and election districts of the Commonwealth, conformably to the resolutions to them referred.”

And the question being put thereupon, was agreed to by the House.

And then, on motion of Mr. *Mason* of *Southampton*, the Convention adjourned until Saturday next, eleven o'clock.

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## SATURDAY, JANUARY 2, 1830.

The Convention met pursuant to adjournment.

On motion of Mr. *Summers*,

Ordered, that the Select Committee appointed to prepare and report either a new Constitution, or amendments to the existing one, cause their report to be printed, under the superintendence of the *President*, for the use of the Convention.

On motion of Mr. *Campbell* of *Brooke*, the Convention adjourned until Monday next, eleven o'clock.

MONDAY, JANUARY 4, 1830.

The Convention met pursuant to adjournment.

Mr. *Madison*, from the Select Committee appointed to prepare and report either a new Constitution, or amendments to the existing one, presented the following Report :

The Select Committee, to whom the several resolutions of the Convention were referred, with instructions to prepare and report either a new Constitution, or amendments to the existing Constitution, and to report an apportionment of the representation in the Senate and House of Delegates, among the several counties, cities, boroughs and districts of the Commonwealth, conformably with the resolutions to them referred, respectfully report the following form of an amended Constitution :

Whereas the Delegates and Representatives of the good people of Virginia, in Convention assembled, on the twenty-ninth day of June, in the year of our Lord one thousand seven hundred and seventy-six : Reciting and declaring, that whereas, George the third, King of Great Britain and Ireland, and Elector of Hanover, before that time entrusted with the exercise of the kingly office in the Government of Virginia, had endeavoured to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good ; by denying his Governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and when so suspended neglecting to attend to them for many years ; by refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the Legislature ; by dissolving legislative assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people ; when dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any legislative head ; by endeavouring to prevent the population of our country, and for that purpose obstructing the laws for the naturalization of foreigners ; by keeping among us, in time of peace, standing armies and ships of war ; by affecting to render the military independent of and superiour to the civil power ; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation, for quartering large bodies of armed troops among us, for cutting off our trade with all parts of the world, for imposing taxes on us without our consent, for depriving us of the benefits of the trial by jury, for transporting us beyond seas to be tried for pretended offences, for suspending our own Legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever ; by plundering our seas, ravaging our coasts, burning our towns, and destroy-

ing the lives of our people ; by inciting insurrections of our fellow subjects with the allurements of forfeiture and confiscation ; by prompting our negroes to rise in arms among us, those very negroes, whom by an inhuman use of his negative he had refused us permission to exclude by law ; by endeavouring to bring on the inhabitants of our frontiers, the merciless indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions of existence ; by transporting a large army of foreign mercenaries, to complete the work of death, desolation and tyranny, then already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation ; by answering our repeated petitions for redress with a repetition of injuries ; and finally, by abandoning the helm of government, and declaring us out of his allegiance and protection : by which several acts of misrule, the government of this country, as before exercised under the Crown of Great Britain, was totally dissolved : Did, therefore, having maturely considered the premises, and viewing with great concern the deplorable condition, to which this once happy country would be reduced, unless some regular adequate mode of civil polity should be speedily adopted, and in compliance with the recommendation of the General Congress, ordain and declare, a form of government of Virginia :

And whereas the General Assembly of Virginia, by an act passed on the tenth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled, an act to organize a Convention, did authorise and provide for the election, by the people, of Delegates and Representatives, to meet and assemble, in General Convention, at the Capitol in the City of Richmond, on the first Monday of October in the year last aforesaid, to consider, discuss and propose, a new Constitution, or alterations and amendments of the existing Constitution of this Commonwealth, to be submitted to the people and to be by them ratified or rejected :

We, therefore, the Delegates and Representatives of the good people of Virginia, elected and in Convention assembled, in pursuance of the said act of Assembly, do submit and propose to the people, the following amended Constitution and Form of Government for this Commonwealth, that is to say :

I. The Legislative, Executive and Judiciary Departments, shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others ; nor shall any person exercise the powers of more than one of them at the same time, except that the Justices of the County Courts shall be eligible to either House of Assembly.

II. The Legislature shall be formed of two distinct branches, which together shall be a complete Legislature, and shall be called the General Assembly of Virginia.

III. One of these shall be called the House of Delegates, and shall consist of one hundred and twenty-seven members, to be chosen annually, for and by the several counties, cities, towns and boroughs of the Commonwealth; whereof twenty-nine Delegates shall be chosen for and by the twenty-six counties lying West of the Alleghany mountains; twenty-four for and by the fourteen counties lying between the Alleghany and Blue Ridge of mountains; forty for and by the twenty-nine counties lying East of the Blue Ridge and above tide-water; and thirty-four for and by the counties, cities, towns and boroughs lying upon tide-water, that is to say: Of the twenty-six counties lying West of the Alleghany, the counties of Harrison, Ohio and Washington, shall each elect two Delegates; and the counties of Brooke, Cabell, Grayson, Greenbrier, Giles, Kanawha, Lee, Lewis, Logan, Mason, Monongalia, Monroe, Montgomery, Nicholas, Pocahontas, Preston, Randolph, Russell, Scott, Tazewell, Tyler, Wood and Wythe, shall each elect one Delegate. Of the fourteen counties lying between the Alleghany and Blue Ridge of mountains, the counties of Frederick and Shenandoah shall each elect three Delegates; the counties of Augusta, Botetourt, Hampshire, Jefferson, Rockingham and Rockbridge, shall each elect two Delegates; the counties of Berkeley and Morgan shall together elect two Delegates; and the counties of Alleghany, Bath, Hardy and Pendleton, shall each elect one Delegate. Of the twenty-nine counties lying East of the Blue Ridge of mountains and above tide-water, the county of Loudoun shall elect three Delegates; the counties of Albemarle, Bedford, Buckingham, Campbell, Culpeper, Fauquier, Halifax, Mecklenburg and Pittsylvania, shall each elect two Delegates; and the counties of Amelia, Amherst, Brunswick, Charlotte, Cumberland, Dinwiddie, Fluvanna, Franklin, Goochland, Henry, Louisa, Lunenburg, Madison, Nelson, Nottoway, Orange, Patrick, Powhatan and Prince Edward, shall each elect one Delegate. And of the counties, cities, towns and boroughs, lying on tide-water, the counties of Accomack and Norfolk, shall each elect two Delegates; the counties of Caroline, Chesterfield, Essex, Fairfax, Greenville, Gloucester, Hanover, Henrico, Isle of Wight, King & Queen, King William, Nansemond, New Kent, Northumberland, Northampton, Princess Anne, Prince William, Southampton, Spotsylvania, Stafford and Sussex, and the city of Richmond, the borough of Norfolk, and the town of Petersburg, shall each elect one Delegate; the counties of Lancaster and Richmond, shall together elect one Delegate; the counties of Westmoreland and King George, shall together elect one Delegate; the counties of Matthews and Middlesex, shall together elect one Delegate; the counties of Elizabeth City, Warwick and York, shall together elect one Delegate; the counties of James City and Charles City, and the city of Williamsburg, shall together elect one Delegate; and the counties of Prince George and Surry, shall together elect one Delegate.

IV. The other House of the General Assembly shall be called the Senate, and shall consist of thirty-two members, of whom thirteen shall be chosen for and by the counties lying West of the Blue Ridge of mountains, and nineteen for and by the counties, cities, towns and boroughs lying East thereof; and for the election of whom, the counties, cities, towns and boroughs shall be divided into thirty-two districts, as herein after provided. Each county of the respective districts, at the time of the first election of its Delegate or Delegates under this Constitution, shall vote for one Senator; and the Sheriffs or other officers holding the election for each county, city, town or borough, within five days at farthest after the last county, city, town or borough election in the district, shall meet at some convenient place, and from the polls so taken in their respective counties, cities, towns or boroughs, return as a Senator the person who shall have the greatest number of votes in the whole district. To keep up this Assembly by rotation, the districts shall be equally divided into four classes, and numbered by lot. At the end of one year after the first general election, the eight members elected by the first division shall be displaced, and the vacancies thereby occasioned, supplied from such class or division by new election in the manner aforesaid. This rotation shall be applied to each division according to its number, and continued in due order annually. And for the election of Senators, the counties of Brooke, Ohio and Tyler, shall form one district: the counties of Monongalia, Preston and Randolph, shall form another district: the counties of Harrison, Lewis and Wood, shall form another district: the counties of Kanawha, Mason, Cabell, Logan and Nicholas, shall form another district: the counties of Greenbrier, Monroe, Giles, Pocahontas and Alleghany, shall form another district: the counties of Wythe, Grayson and Tazewell, shall form another district: the counties of Washington, Russell, Scott and Lee, shall form another district: the counties of Berkeley, Morgan and Hampshire, shall form another district: the counties of Jefferson and Frederick, shall form another district: the county of Shepandoah, shall form another district: the counties of Rockingham, Hardy and Pendleton, shall form another district: the counties of Augusta, Bath and Rockbridge, shall form another district: the counties of Botetourt and Montgomery, shall form another district: the counties of Loudoun and Fairfax, shall form another district: the counties of Fauquier and Prince William, shall form another district: the counties of Stafford, King George, Westmoreland, Richmond, Lancaster and Northumberland, shall form another district: the counties of Culpeper, Madison and Orange, shall form another district: the counties of Albemarle, Nelson and Amherst, shall form another district: the counties of Fluvanna, Goochland, Louisa and Hanover, shall form another district: the counties of Spotsylvania, Caroline and Essex, shall form another district: the counties of King & Queen,

King William, Gloucester, Matthews and Middlesex, shall form another district: the counties of Accomack, Northampton, Elizabeth City, York and Warwick, and the city of Williamsburg, shall form another district: the counties of Charles City, James City, New Kent and Henrico, and the city of Richmond, shall form another district: the counties of Bedford, Franklin and Patrick, shall form another district: the counties of Campbell, Henry and Pittsylvania, shall form another district: the counties of Halifax and Mecklenburg, shall form another district: the counties of Charlotte, Lunenburg, Nottoway and Prince Edward, shall form another district: the counties of Buckingham, Cumberland and Powhatan, shall form another district: the counties of Amelia, Chesterfield and Dinwiddie, shall form another district: the counties of Brunswick, Greensville, Southampton and Sussex, shall form another district: the town of Petersburg, and the counties of Prince George, Surry and Isle of Wight, shall form another district: and the counties of Nansemond, Norfolk and Princess Anne, and the borough of Norfolk; shall form another district.

V. Any person may be elected a Senator, who shall have attained to the age of thirty years, and shall be actually a resident and freeholder within the district, or duly qualified to vote for members of the General Assembly, according to this Constitution. And any person may be elected a member of the House of Delegates, who shall have attained the age of twenty-five years, and shall be actually a resident and freeholder within the county, city, town, borough or election district, or duly qualified to vote for members of the General Assembly, according to this Constitution: Provided, that all Ministers of the Gospel, and Priests of every denomination, shall be incapable of being elected members of either House of Assembly.

VI. The General Assembly shall meet once or oftener every year. Either House may adjourn itself respectively. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised to compel the attendance of absent members, in such manner and under such penalties as each House may provide. And each House shall choose its own Speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies.

VII. All laws shall originate in the House of Delegates, to be approved or rejected by the Senate, or to be amended with the consent of the House of Delegates, except money bills, which in no instance shall be altered by the Senate, but wholly approved or rejected.

VIII. The members of the Assembly shall receive for their services a compensation to be ascertained by law, and paid out of the public Treasury; but no law increasing the compensation of the

members shall take effect until the end of the next annual session after such law shall have been enacted. And no Senator or Delegate shall, during the term for which he shall have been elected, be appointed to any civil office of profit under the Commonwealth, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as may be filled by elections by the people.

IX. The Governor, the Judges of the Court of Appeals and Superior Courts, and all others offending against the State, either by mal-administration, corruption, neglect of duty, or any other high crime or misdemeanor, shall be impeachable by the House of Delegates; such impeachment to be prosecuted before the Senate, which shall have the sole power to try all impeachments. When sitting for that purpose, the Senate shall be on oath or affirmation: and no person shall be convicted without the concurrence of two-thirds of all the members of the Senate. Judgment, in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the Commonwealth; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

X. The Legislature shall not pass any bill of attainder; or any *ex post facto* law; or any law impairing the obligation of contracts; or any law, whereby private property shall be taken for public uses, without just compensation; or any law abridging the freedom of Speech, or of the Press. No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened, in his body or goods, or otherwise suffer, on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise affect, diminish or enlarge their civil capacities. And the Legislature shall not prescribe any religious test whatever; nor establish by law any subordination or preference between different sects or denominations; nor confer any peculiar privileges or advantages on any one sect or denomination over others; nor pass any law requiring or authorising any religious society, or the people of any district within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house for public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

XI. The Legislature may provide by law that no person shall be capable of holding or being elected to any post of profit, trust or emolument, civil or military, Legislative, Executive or Judicial, under the Government of this Commonwealth, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the pro-

hable issue of which may be the death of the challenger or challenged, or who shall be a second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance; but no person shall be so disqualified by reason of his having heretofore fought such duel, or sent or accepted such challenge, or been second in such duel, or bearer of such challenge or acceptance.

XII. Every white male citizen of the Commonwealth, resident therein, aged twenty-one years and upwards, being qualified to exercise the right of suffrage according to the former Constitution and laws; and every such citizen, being possessed, or whose tenant for years, at will or at sufferance, is possessed, of an estate of freehold in land of the value of twenty-five dollars, and so assessed to be if any assessment thereof be required by law; and every such citizen, being possessed, as tenant in common, joint tenant or partner, of an interest in or share of land, and having an estate of freehold therein, such interest or share being of the value of twenty-five dollars, and so assessed to be if any assessment thereof be required by law; and every such citizen being entitled to a reversion or vested remainder in fee, expectant on an estate for life or lives, in land of the value of fifty dollars, and so assessed to be if any assessment thereof be required by law; (each and every such citizen, unless his title shall have come to him by descent, devise, marriage or marriage-settlement, having been so possessed or entitled for six months); and every such citizen, who shall own and be himself in actual occupation of a leasehold estate, with the evidence of title recorded two months before he shall offer to vote, of a term originally not less than five years, of the annual value or rent of twenty dollars; and every such citizen, who for twelve months next preceding has been a house-keeper and head of a family within the county, city, town, borough or election district where he may offer to vote, and shall have been assessed with a part of the revenue of the Commonwealth within the preceding year, and actually paid the same—and no other persons—shall be qualified to vote for members of the General Assembly in the county, city, town or borough, respectively, wherein such land shall lie, or such house-keeper and head of a family shall live. And in case of two or more tenants in common, jointenants or partners, in possession, reversion or remainder, having interest in land, the value whereof shall be insufficient to entitle them all to vote, they shall together have as many votes as the value of the land shall entitle them to; and the Legislature shall by law provide the mode in which their vote or votes shall in such case be given: Provided, nevertheless, that the right of suffrage shall not be exercised by any person of unsound mind, or who shall be a pauper, or a non-commissioned officer, soldier, seaman or marine, in the service of the United States, or by any person convicted of any infamous offence.



XIII. In all elections in this Commonwealth, to any office or place of trust, honor or profit, the votes shall be given openly, or *visd voce*, and not by ballot.

XIV. The chief Executive power of this Commonwealth, shall be vested in a Governor. He shall hold his office, during the term of three years, to commence on the first day of January next succeeding his election, or on such other day, as may from time to time, be prescribed by law; and he shall be ineligible to that office, for three years next after his term of service shall have expired. He shall be elected as follows: At the first election for members of the House of Delegates, to be held under this Constitution, and every third year thereafter, at the times and places of holding such elections, in the several counties and corporate towns, of this Commonwealth, the persons qualified to vote for members of the General Assembly, shall vote also for a Governor. A poll of the votes so given in each election district, shall be duly kept, authenticated, certified and laid before the General Assembly, at their next annual meeting, in such manner as shall be prescribed by law. These polls shall be examined, by a joint committee of both Houses; the number of votes given for each person, as Governor, ascertained, and the result declared by resolution of the General Assembly. The person having the greatest number of votes, if that be a majority of the whole number given, and if he be eligible to the office, shall be declared duly elected Governor. If no such person have a majority of the whole number of votes given, then it shall be declared that no election hath been made; and the General Assembly shall proceed, by joint vote of both Houses, to elect a Governor from those, how many soever there may be, who being eligible, shall have the two highest numbers on the polls.

XV. No person shall be eligible to the office of Governor, unless he shall have attained the age of thirty years, shall be a native citizen of the United States, and shall have been a citizen of this Commonwealth for five years next preceding his election.

XVI. The Governor shall receive for his services a compensation to be fixed by law, which shall be neither increased nor diminished, during his continuance in office.

XVII. He shall take care that the laws be faithfully executed; shall communicate to the Legislature, at every session, the condition of the Commonwealth, and recommend to their consideration such measures as he may deem expedient. He shall be Commander-in-chief of the land and naval forces of the State. He shall have power to embody the militia, when in his opinion, the public safety shall require it; to convene the Legislature, on application of a majority of the members of the House of Delegates, or when, in his opinion, the interest of the Commonwealth may require it; to grant reprieves and pardons, except where the prosecution shall have been carried on by the House of Delegates, or the law shall

otherwise particularly direct; to conduct, either in person, or in such manner as shall be prescribed by law, all intercourse with other and foreign States; and during the recess of the Legislature, to fill, *pro tempore*, all vacancies in those offices, which it may be the duty of the Legislature to fill permanently: Provided, that his appointments to such vacancies shall be by commissions to expire at the end of the next succeeding session of the General Assembly.

XVIII. Commissions and grants shall run in the name of the Commonwealth of Virginia, and bear test by the Governor, with the seal of the Commonwealth annexed.

XIX. The General Assembly shall provide by law, for the discharge of the Executive duties, in all cases of the temporary inability of the Governor to discharge them, and of vacancy in his office, by reason of his absence from the seat of Government, sickness, death, removal from office, resignation, or other cause.

XX. The manner of appointing militia officers shall be provided for by law; but no officer below the rank of a Brigadier General, shall be appointed by the General Assembly.

XXI. A Treasurer shall be appointed annually by joint vote of both Houses.

XXII. The Judicial power shall be vested in a Supreme Court of Appeals, in such Superior Courts as the Legislature may from time to time ordain and establish, in the County Courts, and in Justices of the Peace. The Legislature may also vest such jurisdiction as shall be deemed necessary in Corporation Courts, and in the Magistrates who may belong to the corporate body. The jurisdiction of these tribunals shall be regulated by law. The Judges of the Supreme Court of Appeals and of the Superior Courts shall hold their offices during good behaviour, or until removed in the manner prescribed in this Constitution; and shall, at the same time, hold no other office, appointment, or public trust; and the acceptance thereof by either of them shall vacate his judicial office.

XXIII. The present Judges of the Supreme Court of Appeals, of the General Court, and of the Superior Courts of Chancery, shall remain in office until the termination of the session of the first Legislature elected under this Constitution, and no longer.

XXIV. The Judges of the Supreme Court of Appeals and of the Superior Courts shall be elected by the joint vote of both Houses of the General Assembly.

XXV. The Judges of the Supreme Court of Appeals and of the Superior Courts shall receive fixed and adequate salaries, which shall not be diminished during their continuance in office.

XXVI. On the creation of any new county, Justices of the Peace shall be appointed, in the first instance, in such manner as may be prescribed by law. When vacancies shall occur in any county, or it shall, for any cause, be deemed necessary to increase their number, appointments shall be made by the Governor, on the recommendation of their respective County Courts.

XXVII. The Clerks of the several Courts, when vacancies shall occur, shall be appointed by their respective Courts, and the tenure of office, as well of those now in office as of those who may be hereafter appointed, shall be prescribed by law.

XXVIII. Judges may be removed from office by a concurrent vote of both Houses of the General Assembly; but two-thirds of the whole number elected to each House must concur in such vote, and the cause of removal shall be entered on the Journals of each. The Judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereupon.

XXIX. Writs shall run in the name of the Commonwealth of Virginia, and bear test by the Clerks of the several Courts. Indictments shall conclude Against the peace and dignity of the Commonwealth.

XXX. The Executive Department of the Government shall remain as at present organized, and the Governor and Privy Councillors shall continue in office, until a Governor elected, under this Constitution, shall come into office; and all other persons in office when this Constitution shall be adopted, except as is herein otherwise expressly directed, shall continue in office, till successors shall be appointed; or the law shall otherwise provide; and all the Courts of Justice now existing shall continue with their present jurisdiction, until and except so far as, the Judicial system may or shall be hereafter otherwise organized by the Legislature.

XXXI. The Declaration of Rights made on the 12th June, 1776, by the representatives of the good people of Virginia assembled in full and free Convention, which pertained to them and their posterity, as the basis and foundation of Government; requiring in the opinion of this Convention no amendment, shall be prefixed to this Constitution, and have the same relation thereto as it had to the former Constitution of this Commonwealth.

Mr. *Summers* moved, that the said report, as well that in print, as in manuscript, be printed for the use of the Convention; which, on the question being put thereupon, was agreed to by the House.

On motion of Mr. *Mercer*, the Constitution presented by the Select Committee, and read the first, was ordered to be read a second time.

Mr. *Mercer* then moved, that the said Constitution be committed to a committee of the whole Convention; which, on the question being put thereupon, was determined in the negative.

Mr. *Wilson* moved, that the report of the Select Committee be re-committed to the committee who made it, for their re-consideration.

And the question being put thereupon, was determined in the affirmative.

Mr. *Johnson* moved, that the House re-consider the vote just given rejecting the motion to commit the Constitution presented by the Select Committee, to a committee of the whole Convention.

And the question being put thereupon, was determined in the affirmative.

The question then recurring on the motion to commit the said Constitution to a committee of the whole Convention, it was determined in the affirmative.—Ayes 50, Noes 41.

Mr. *Cooke* moved that the said Constitution be made the Order of the Day for this day.

Mr. *Mercer* moved that it be made the Order of the Day for to-morrow.

Which, on the question put thereupon, was determined in the affirmative.—Ayes 48, Noes 43.

And then, on motion of Mr. *Summers*, the Convention adjourned until to-morrow, eleven o'clock.

## TUESDAY, JANUARY 5, 1830.

The Convention met pursuant to adjournment.

The Convention resolved itself into a committee of the whole Convention, to take under consideration the amended Constitution reported by the Select Committee, Mr. *Stanard* in the chair; and after some time spent therein, the *President* resumed the chair, and Mr. *Stanard* reported, that the said committee had, according to order, taken the subjects referred to them into consideration, had gone through the same, and made sundry amendments thereto, which he delivered in at the Secretary's table.

Mr. *Leigh of Chesterfield* submitted the following resolution:

Resolved, that the third article of the draft of a Constitution, by the Select Committee, be re-committed, with instructions to the committee to apportion Delegates among the several counties, towns, cities and boroughs of the Commonwealth, so that the number of Delegates shall not exceed one hundred and fifty, and so that the same proportion of the whole delegation be assigned to each of the four great divisions of the Commonwealth, as is contained in the said article. And that the fourth article be re-committed to the said committee.

Mr. *Clayton* moved to amend the said resolution, by adding thereto the following, to wit:

"And that the said committee be instructed so to arrange the Senatorial Districts, as to conform as near as may be to the principle on which the members of the Senate are apportioned between the Districts East and West of the Blue Ridge."

And the question being put thereupon, was determined in the negative.—Ayes 34, Noes 46.

The question was then put upon the adoption of the said resolution, and was determined in the affirmative.

On motion of Mr. *Mercer*, the Convention adjourned until to-morrow, eleven o'clock.

### WEDNESDAY, JANUARY 6, 1830.

The Convention met pursuant to adjournment.

The fifth section of the amended Constitution reported by the Select Committee, was read as follows :

“ Any person may be elected a Senator who shall have attained to the age of thirty years, and shall be actually a resident and freeholder within the district, or duly qualified to vote for members of the General Assembly according to this Constitution. And any person may be elected a member of the House of Delegates, who shall have attained the age of twenty-five years, and shall be actually a resident and freeholder within the county, city, town, borough or election district, or duly qualified to vote for members of the General Assembly according to this Constitution: Provided, that all Ministers of the Gospel and Priests of every denomination, shall be incapable of being elected members of either House of Assembly.”

And thereupon the question being put upon agreeing with the committee of the whole, in their amendment to the said section, which was to strike out the words “ or duly,” in the third line thereof, the said amendment was agreed to by the House.—Ayes 47, Noes 42.

On motion of Mr. *Claytor*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John Marshall,
John W. Jones,	John B. Clopton,
Benjamin W. Leigh,	Chapman Johnson,
Samuel Taylor,	John Y. Mason,
William H. Brodnax,	James Trezvant,
George C. Dromgoole,	Augustine Claiborne,
Mark Alexander,	John Urquhart,
William O. Goode,	John Randolph,

Messrs. William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 James Madison,  
 Robert Stanard,  
 Waller Holladay,  
 John R. Cooke,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John S. Barbour,  
 John Scott,  
 John W. Green,

Messrs. Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 Samuel Branch,  
 George Townes,  
 Joseph Martin,  
 James Pleasants,  
 William F. Gordon,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 William K. Perrin.—47.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob D. Williamson,  
 Briscoe G. Baldwin,  
 William M'Coy,  
 Samuel M'D. Moore,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 John B. George,  
 Andrew M'Millan,

Messrs. Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Archibald Stuart, jun.  
 Lucas P. Thompson,  
 Thomas R. Joy nes,  
 Abel P. Upshur.—42.

The question being then put upon agreeing with the committee of the whole in their further amendment to the said section, which was to strike out the words "or duly," in the eighth line thereof, the said amendment was agreed to by the House.—Ayes 48, Noes 42.

On motion of Mr. *Claytor*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Elisha Boyd,
John W. Jones,	Philip C. Pendleton,
Benjamin W. Leigh,	John Roane,
Samuel Taylor,	William P. Taylor,
William B. Giles,	Richard Morris,
William H. Brodnax,	James M. Garnett,
George C. Dromgoole,	John S. Barbour,
Mark Alexander,	John Scott,
William O. Goode,	John W. Green,
John Marshall,	Littleton W. Tazewell,
John B. Clopton,	George Loyall,
Chapman Johnson,	Joseph Prentis,
John Y. Mason,	Hugh B. Grigsby,
James Trezvant,	Samuel Branch,
Augustine Claiborne,	George Townes,
John Urquhart,	Joseph Martin,
John Randolph,	James Pleasants,
William Leigh,	William F. Gordon,
Richard Logan,	Thomas Massie, jun.
Richard N. Venable,	Fleming Bates,
James Madison,	Augustine Neale,
Robert Stanard,	Alexander F. Rose,
Waller Holladay,	John Coalter,
John R. Cooke,	William K. Perrin.—48.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. William Anderson,	Messrs. Joshua Osborne,
Samuel Coffman,	Alfred H. Powell,
Peachy Harrison,	Thomas Griggs, jun.
Jacob D. Williamson,	James M. Mason,
Briscoe G. Baldwin,	William Naylor,
William M'Coy,	William Donaldson,
Samuel M'D. Moore,	John B. George,
William Smith,	Andrew M'Millan,
Fleming B. Miller,	Edward Campbell,
John Baxter,	William Byars,
Charles F. Mercer,	Gordon Cloyd,
William H. Fitzhugh,	Henley Chapman,
Richard H. Henderson,	John P. Mathews,

Messrs. William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,

Messrs. Eugenius M. Wilson,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell;  
 Archibald Stuart, jun.  
 Lucas P. Thompson,  
 Thomas R. Joynea,  
 Abel P. Upshur.—42.

Mr. *Wilson* moved to amend a further amendment of the committee of the whole, which was to insert after the words "provided that," in the tenth line of the said article, "all persons holding lucrative offices and," by inserting after the word "offices," the following words, "under the Commonwealth."

And the question being put thereupon, was disagreed to by the House.

And the question being then put upon agreeing with the committee of the whole in their said amendment, the same was agreed to by the House.

Mr. *Scott* presented a letter from *John Macrae*, Esq. resigning his seat as a member of the Convention, which was read as follows:

RICHMOND, JAN. 3, 1830.

Sir,

I hereby resign my seat as a member of the Convention, being prevented by ill health from performing my duty as a member of that body.

Yours, respectfully,

J. MACRAE.

Hon. P. P. BARBOUR,  
 President of the Convention. }

On motion of Mr. *Scott*,

Ordered, that the said letter be laid upon the table.

Mr. *Scott* announced, that the remaining delegates from the 10th district had elected *Thomas Marshall*, Esq. to supply the vacancy occasioned by the resignation of *John Macrae*, Esq.; whereupon, Mr. *Marshall* appeared and took his seat.

The sixth section of the amended Constitution, was then read as follows:

"The General Assembly shall meet once or oftener every year. Either House may adjourn itself respectively. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised to compel the attendance of absent members, in such manner and under such penalties as each House may provide. And each



House shall choose its own Speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies."

And thereupon the question being put upon agreeing with the committee of the whole in their amendment to the said article, which was to strike out in the second line thereof, these words: "either House may adjourn itself respectively," and insert, "neither House, during the session of the Legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place, than that in which the two Houses shall be sitting;" the said amendment was agreed to by the House.

The question being then put upon agreeing with the committee of the whole in their further amendment to the said section, which was to add thereto the following: "But if vacancies shall occur by death or resignation, during the recess of the General Assembly, such writs may be issued by the Governor, under such regulations as may be prescribed by law;" the said amendment was agreed to by the House.

The question being put upon agreeing with the committee of the whole in their further amendment to the said section, which was after the foregoing to add what follows: "Each House shall judge of the election, qualification and returns of its members, may punish its members for disorderly behaviour, and with the concurrence of two-thirds, expel a member, but not a second time for the same offence;" the said amendment was agreed to by the House.

The twenty-seventh section of the said amended Constitution, was then read as follows:

"The Clerks of the several Courts, when vacancies shall occur, shall be appointed by their respective Courts, and the tenure of office, as well of those now in office as of those who may be hereafter appointed, shall be prescribed by law."

And thereupon the question being put upon agreeing with the committee of the whole in their amendment to the said article, which was to prefix thereto the following, to wit: "The Attorney General shall be appointed by joint vote of the two Houses of the General Assembly, and commissioned by the Governor, and shall hold his office during the pleasure of the General Assembly;" the said amendment was agreed to by the House.

The question being then put upon agreeing with the committee of the whole in their further amendment to the said section, which was at the end thereof to add the following, to wit: "The Sheriffs and Coroners shall be nominated by the respective County Courts, and when approved by the Governor, shall be commissioned by him. The Justices shall appoint Constables, and all fees of the aforesaid officers, shall be regulated by law;" the said amendment was agreed to by the House.

Mr. *Upshur* then moved to amend the fifth section of the said amended Constitution, by inserting after the word "qualified," in the third line thereof, the following: "by virtue of his freehold."

And the question being put thereupon, was agreed to by the House.

Mr. *Leigh* of *Chesterfield* moved to amend the tenth section of the said amended Constitution, by striking out these words: "nor establish by law any subordination or preference between different sects or denominations;" and also the words "over others," in the sixteenth line thereof; which was agreed to by the House.

Mr. *Fitzhugh* moved to amend the said tenth section of the amended Constitution, by inserting after the word "Press," in the fifth line thereof, the following: "nor shall any capitation tax, either for State or County purposes, be imposed, except in time of war, on the free white citizens of the Commonwealth."

Mr. *Scott* moved to amend the proposed amendment, by adding thereto the following: "Nor shall any person be chargeable with any tax on real or personal estate, whose real and personal estate is not chargeable with a revenue tax equal to fifty cents."

And the question being put upon agreeing to the said amendment to the amendment, was determined in the negative.—Ayes 33, Noes 60.

On motion of Mr. *Powell*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

<b>Messrs.</b> P. P. Barbour, ( <i>Pres't.</i> )	<b>Messrs.</b> John Roane,
John W. Jones,	William P. Taylor,
Benjamin W. Leigh,	Richard Morris,
Samuel Taylor,	James M. Garnett,
William B. Giles,	John S. Barbour,
William H. Brodnax,	John Scott,
William O. Goode,	John W. Green,
John Marshall,	Thomas Marshall,
John Y. Mason,	Littleton W. Tazewell,
James Trezvant,	George Loyall,
Augustine Claiborne,	Joseph Prentis,
John Urquhart,	Hugh B. Grigsby,
John Randolph,	Samuel Branch,
William Leigh,	Augustine Neale,
Robert Stanard,	Alexander F. Rose,
Waller Holladay,	John Coalter.—33.
William H. Fitzhugh,	

*And the names of the gentlemen who voted in the negative, are:*

Messrs. George C. Dromgoole,	Messrs. Andrew M'Millan,
Mark Alexander,	Edward Campbell,
John Tyler,	William Byars,
John B. Clopton,	Gordon Cloyd,
William Anderson,	Henley Chapman,
Samuel Coffman,	John P. Mathews,
Peachy Harrison,	William Oglesby,
Jacob D. Williamson,	Edwin S. Duncan,
Briscoe G. Baldwin,	John Laidley,
Chapman Johnson,	Lewis Summers,
William M'Coy,	Adam Ses,
Samuel M'D. Moore,	Philip Doddridge,
William Smith,	Charles S. Morgan,
Fleming B. Miller,	Alexander Campbell,
John Baxter,	Eugenius M. Wilson,
Richard Logan,	Samuel Claytor,
Richard N. Venable,	James Saunders,
James Madison,	George Townes,
Charles F. Mercer,	Benj. W. S. Cabell,
Richard H. Henderson,	Joseph Martin,
Joshua Osborne,	Archibald Stuart, jun.
John R. Cooke,	James Pleasants,
Alfred H. Powell,	William F. Gordon,
Thomas Griggs, jun.	Lucas P. Thompson,
James M. Mason,	Thomas Massie, jun.
William Naylor,	Fleming Bates,
William Donaldson,	Thomas R. Joynes,
Elisha Boyd,	Thomas M. Bayly,
Philip C. Pendleton,	Abel P. Upshur,
John B. George,	William K. Perrin.—66.

Mr. *Johnson* moved to amend the proposed amendment, by striking out the words "either or county."

And the question being put thereupon, was determined in the negative.—Ayes 43, Noes 46.

Mr. *Venable* moved to amend the said amendment, by adding to the end thereof, these words: "or on slaves."

And the question being put thereupon, was determined in the negative.

The question then recurred upon the adoption of the said amendment, and was determined in the affirmative.—Ayes 48, Noes 47.

On motion of Mr. *M'Coy*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

**Messrs.** John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson,  
Chapman Johnson,  
William McCoy,  
Samuel M'D. Moore,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Augustine Claiborne,  
James Madison,  
Robert Stanard,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
William Naylor,  
William Donaldson,

**Messrs.** Philip C. Pendleton,  
John B. George,  
William Byars,  
William P. Taylor,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
John S. Barbour,  
John Scott,  
Thomas Marshall,  
Littleton W. Tazewell,  
Joseph Prentis,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Joseph Martin,  
Archibald Stuart, jun.  
Thomas R. Joynes,  
Abel P. Upshur.—48.

*And the names of the gentlemen who voted in the negative, are :*

**Messrs.** P. P. Barbour, (*Pres't.*)  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton,  
Briscoe G. Baldwin,  
John Y. Mason,  
James Trezvant,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,

**Messrs.** Waller Holladay,  
Thomas Griggs, jun.  
James M. Mason,  
Elisha Boyd,  
Andrew M'Millan,  
Edward Campbell,  
John Roane,  
Richard Morris,  
James M. Garnett,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
Adam See,  
John W. Green,  
George Loyall,  
Hugh B. Grigsby,  
William Campbell,  
Samuel Branch,

Messrs. George Townes,  
James Pleasants,  
William F. Gordon,  
Lucas P. Thompson,  
Thomas Massie, jun.  
Fleming Bates,

Messrs. Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas M. Bayly,  
William K. Perrin.—47.

Mr. *Marshall* moved to amend the twenty-sixth section of the amended Constitution, by striking out the word "their," in the sixth line thereof, and inserting "the," in its place; which was agreed to by the House.

Mr. *Coalter* moved to amend the same section, by striking out the same word in the fifth line, and inserting the word "the;" which was agreed to by the House.

Mr. *Cabell* moved to amend the twenty-second section of the amended Constitution, by inserting after the word "peace," in the fourth line thereof, the following: "the General Assembly shall have power to modify or abolish the said Superior Courts, at such times, and to substitute for them, if in their discretion they deem it expedient, such tribunals as the public good may require; and upon the modification or abolition thereof, the salaries of all officers holding offices therein, or in any wise appurtenant thereto, shall be abolished, unless otherwise directed by law."

And the question being put thereupon, was determined in the negative.

Mr. *Scott* moved to amend the twenty-second section of the said amended Constitution, by inserting after the word "Appeals," in the second line thereof, the words "a General Court;" and after the word "tribunals," in the seventh line, insert, "and of the Judges thereof."

And the question being put upon agreeing to the said amendments, was determined in the negative.—Ayes 33, Noes 62.

On motion of Mr. *Campbell* of *Brooke*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. Benjamin W. Leigh,  
Samuel Taylor,  
William H. Brodnax,  
William O. Goode,  
John Marshall,  
Philip N. Nicholas,  
Briscoe G. Baldwin,  
Chapman Johnson,

Messrs. John Y. Mason,  
Augustine Claiborne,  
James Madison,  
Robert Stanard,  
Richard H. Henderson,  
John R. Cooke,  
Thomas Griggs, jun.  
Philip C. Pendleton,

Messrs. Richard Morris,  
James M. Garnett,  
John P. Mathews,  
Lewis Summers,  
John S. Barbour,  
John Scott,  
John W. Green,  
Thomas Marshall,  
Joseph Prentis,

Messrs. Samuel Branch,  
George Townes,  
Thomas Massie, jun.  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas R. Joynes,  
Abel P. Upshur.—33.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (*Pres't.*)  
John W. Jones,  
William B. Giles,  
George C. Dromgoole,  
Mark Alexander,  
John Tyler,  
John B. Clopton,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson,  
William M'Coy,  
Samuel M'D. Moore,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
James Trezvant,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
Waller Holladay,  
Charles F. Mercer,  
William H. Fitzhugh,  
Joshua Osborne,  
Alfred H. Powell,  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,

Messrs. John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
John Roane,  
William P. Taylor,  
Gordon Cloyd,  
Henley Chapman,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
Littleton W. Tazewell,  
George Loyall,  
Hugh B. Grigsby,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Joseph Martin,  
Archibald Stuart, jun.  
James Pleasants,  
William F. Gordon,  
Lucas P. Thompson,  
Fleming Bates,  
Thomas M. Bayly,  
William K. Perrin.—62.

Mr. Barbour of Culpeper moved a re-consideration of the vote just given upon Mr. Fitzhugh's proposed amendment to the tenth article of the amended Constitution.

And the question being put thereupon, was determined in the affirmative.—Ayes 55, Noes 40.

Whereupon, *Mr. Fitzhugh* withdrew the said amendment.

*Mr. George* moved to amend the sixth section of the amended Constitution, by striking out these words: "The General Assembly shall meet once or oftener every year," and insert in lieu thereof the following: "The Legislature shall meet only once in every two years, unless convened in the manner prescribed by the twenty-seventh article of this Constitution."

And the question being put thereupon, was determined in the negative.—Ayes 26, Noes 69.

On motion of *Mr. Campbell of Brooke*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. William Anderson,  
Samuel Coffman,  
Jacob D. Williamson,  
Briscoe G. Baldwin,  
John Baxter,  
Richard H. Henderson,  
Joshua Osborne,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
John P. Mathews,

Messrs. William Oglesby,  
Adam See,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
Littleton W. Tazewell,  
William Campbell,  
George Townes,  
Joseph Martin,  
Archibald Stuart, jun.  
Fleming Bates,  
Alexander F. Rose,  
John Coalter.—26.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, (*Pres't.*)  
John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton,

Messrs. Peachy Harrison,  
Chapman Johnson,  
William M'Coy,  
Samuel M'D. Moore,  
William Smith,  
Fleming B. Miller,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,

Messrs. Richard N. Venable,  
 James Madison,  
 Robert Stanard,  
 Waller Holladay,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 Henley Chapman,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,

Messrs. Philip Doddridge,  
 John S. Barbour,  
 John Scott,  
 John W. Green,  
 Thomas Marshall,  
 George Loyall,  
 Joseph Prentiss,  
 Hugh B. Grigsby,  
 Samuel Claytor,  
 James Saunders,  
 Samuel Branch,  
 Benj. W. S. Cabell,  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Augustine Neale,  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—69.

Mr. *Coalter* moved to amend the twelfth section of the amended Constitution, by adding thereto the following proviso: "And provided also, that the votes in each county shall be taken at one place, to be designated by law."

And the question being put thereupon, was determined in the negative.—Ayes 21, Noes 74.

On motion of Mr. *Coalter*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. Benjamin W. Leigh,  
 Samuel Taylor,  
 William H. Brodnax,  
 George C. Dromgoole,  
 Philip N. Nicholas,  
 Chapman Johnson,  
 John Y. Mason,  
 James Trezvant,  
 John Urquhart,  
 John Randolph,  
 William Leigh,

Messrs. Richard Logan,  
 Robert Stanard,  
 Waller Holladay,  
 John Roane,  
 James M. Garnett,  
 John W. Green,  
 George Loyall,  
 Hugh B. Grigsby,  
 Alexander F. Rose,  
 John Coalter.—21.



*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William P. Taylor,
John W. Jones,	Richard Morris,
William B. Giles,	Gordon Cloyd,
Mark Alexander,	Henley Chapman,
William O. Goode,	John P. Mathews,
John Marshall,	William Oglesby,
John Tyler,	Edwin S. Duncan,
John B. Clopton,	John Laidley,
William Anderson,	Lewis Summers,
Samuel Coffman,	Adam See,
Peachy Harrison,	Philip Doddridge,
Jacob D. Williamson,	Charles S. Morgan,
Briscoe G. Baldwin,	Alexander Campbell,
William M'Coy,	Eugenius M. Wilson,
Samuel M'D. Moore,	John S. Barbour,
William Smith,	John Scott,
Fleming B. Miller,"	Thomas Marshall,
John Baxter,	Littleton W. Tazewell,
Augustine Claiborne,	Joseph Prentis,
Richard N. Venable,	William Campbell,
James Madison,	Samuel Claytor,
Charles F. Mercer,	James Saunders,
William H. Fitzhugh,	Samuel Branch,
Richard H. Henderson,	George Townes,
Joshua Osborne,	Benj. W. S. Cabell,
John R. Cooke,	Joseph Martin,
Alfred H. Powell,	Archibald Stuart, jun.
Thomas Griggs, jun.	James Pleasants,
James M. Mason,	William F. Gordon,
William Naylor,	Lucas P. Thompson,
William Donaldson,	Thomas Massie, jun.
Elisha Boyd,	Fleming Bates,
Philip C. Pendleton,	Augustine Neale,
John B. George,	Thomas R. Joynes,
Andrew M'Millan,	Thomas M. Bayly,
Edward Campbell,	Abel P. Upshur,
William Byars,	William K. Perrin.—74.

Mr. Stanard moved to amend the twenty-second section of the amended Constitution, by adding after the word "tribunals," in the seventh line thereof, these words: "and of the Judges thereof."

And the question being put thereupon, was agreed to by the House.

And then, on motion of Mr. M'Coy, the Convention adjourned until to-morrow, eleven o'clock.

THURSDAY, JANUARY 7, 1830.

The Convention met pursuant to adjournment.

Mr. *Summers* submitted the following resolution :

"No law shall be enacted by the General Assembly, creating, continuing, altering or renewing, any body politic or corporate, with power to carry on the business of banking, or for making loans or discounts, without the assent of three-fifths of the members elected to each branch of the Legislature ; nor shall the General Assembly, at any one session thereof, create, continue, alter or renew, more than one body politic or corporate, with power to deal as a Bank, by making loans or discounts."

Which, on his motion was laid on the table.

On motion of Mr. *Claiborne*,

Ordered, that the said resolution be printed for the use of the Convention.

Mr. *Stanard* moved to amend the twenty-second section of the amended Constitution reported by the Select Committee, by inserting after the word "establish," in the third line thereof, the words, "and the Judges thereof."

Which, the question being put thereupon, was agreed to by the House.

Mr. *Madison*, from the Select Committee to whom was re-committed the third and fourth articles of the amended Constitution, with instructions to apportion Delegates among the several counties, towns, cities and boroughs of the Commonwealth, so that the number of Delegates shall not exceed *one hundred and fifty*; and so that the same proportion of the whole delegation be assigned to each of the four great divisions of the Commonwealth, as is contained in the said article; reported, that the said committee had, according to order, had under consideration the subjects to them referred, and agreed to the following report; which he delivered in at the Secretary's table, and which was read as follows :

III. One of these shall be called The House of Delegates, and shall consist of one hundred and thirty-two members, to be chosen, annually, for and by the several counties, cities, towns and boroughs of the Commonwealth; whereof thirty Delegates shall be chosen for and by the twenty-six counties lying West of the Alleghany mountains; twenty-five, for and by the fourteen counties lying between the Alleghany and Blue Ridge of mountains; forty-one, for and by the twenty-nine counties lying East of the Blue Ridge of mountains and above tide-water; and thirty-six for and by the counties, cities, towns and boroughs lying upon tide-water, that is to say: Of the twenty-six counties lying West of the Alleghany, the counties of Harrison, Monongalia, Ohio and Washington, shall each elect two Delegates; and the counties of Brooke, Cabell, Grayson,

Greenbrier, Giles, Kanawha, Lee, Lewis, Logan, Mason, Monroe, Montgomery, Nicholas, Pocahontas, Preston, Randolph, Russell, Scott, Tazewell, Tyler, Wood and Wythe, shall each elect one Delegate. Of the fourteen counties lying between the Alleghany and Blue Ridge, the counties of Frederick and Shenandoah, shall each elect three Delegates; the counties of Augusta, Berkeley, Botetourt, Hampshire, Jefferson, Rockingham and Rockbridge, shall each elect two Delegates; and the counties of Alleghany, Bath, Hardy, Morgan and Pendleton, shall each elect one Delegate. Of the twenty-nine counties lying East of the Blue Ridge and above tide-water, the county of Loudoun, shall elect three Delegates; the counties of Albemarle, Bedford, Brunswick, Buckingham, Campbell, Culpeper, Fauquier, Halifax, Mecklenburg and Pittsylvania, shall each elect two Delegates; and the counties of Amelia, Amherst, Charlotte, Cumberland, Dinwiddie, Fluvanna, Franklin, Goochland, Henry, Louisa, Lunenburg, Madison, Nelson, Nottoway, Orange, Patrick, Powhatan and Prince Edward, shall each elect one Delegate. And of the counties, cities, towns and boroughs lying on tide-water, the counties of Accomack and Norfolk, shall each elect two Delegates; the counties of Caroline, Chesterfield, Essex, Fairfax, Greenville, Gloucester, Hanover, Henrico, Isle of Wight, King & Queen, King William, King George, Nansemond, Northumberland, Northampton, Princess Anne, Prince George, Prince William, Squthampton, Spottsylvania, Stafford, Sussex, Surry and Westmoreland, and the city of Richmond, the borough of Norfolk, and the town of Petersburg, shall each elect one Delegate; the counties of Lancaster and Richmond, shall together elect one Delegate; the counties of Matthews and Middlesex, shall together elect one Delegate; the counties of Elizabeth City and Warwick, shall together elect one Delegate; the counties of James City and York, and the city of Williamsburg, shall together elect one Delegate; and the counties of New Kent and Charles City, shall together elect one Delegate.

IV. Strike out from the word "counties," in the twenty-fifth line, to the end, and insert—

Of Brooke, Ohio and Tyler, shall form one district: the counties of Monongalia, Preston and Randolph, shall form another district: the counties of Harrison, Lewis, Wood and Pocahontas, shall form another district: the counties of Kanawha, Mason, Cabell, Logan and Nicholas, shall form another district: the counties of Greenbrier, Monroe, Giles and Montgomery, shall form another district: the counties of Tazewell, Wythe and Grayson, shall form another district: the counties of Washington, Russell, Scott and Lee, shall form another district: the counties of Berkeley, Morgan and Hampshire, shall form another district: the counties of Frederick and Jefferson, shall form another district: the counties of Shenandoah and Hardy, shall form another district: the coun-

ties of Rockingham and Pendleton, shall form another district: the counties of Augusta and Rockbridge, shall form another district: the counties of Alleghany, Bath and Botetourt, shall form another district: the counties of Loudoun and Fairfax, shall form another district: the counties of Fauquier and Prince William, shall form another district: the counties of Stafford, King George, Westmoreland, Richmond, Lancaster and Northumberland, shall form another district: the counties of Culpeper, Madison and Orange, shall form another district: the counties of Albemarle, Nelson and Amherst, shall form another district: the counties of Fluvanna, Goochland, Louisa and Hanover, shall form another district: the counties of Spotsylvania, Caroline and Essex, shall form another district: the counties of King & Queen, King William, Gloucester, Matthews and Middlesex, shall form another district: the counties of Accomack, Northampton, Elizabeth City, York and Warwick, and the city of Williamsburg, shall form another district: the counties of Charles City, James City, New Kent and Henrico, and the city of Richmond, shall form another district: the counties of Bedford and Franklin, shall form another district: the counties of Buckingham, Campbell and Cumberland, shall form another district: the counties of Patrick, Henry and Pittsylvania, shall form another district: the counties of Halifax and Mecklenburg, shall form another district: the counties of Charlotte, Lunenburg, Nottoway and Prince Edward, shall form another district: the counties of Amelia, Powhatan and Chesterfield, and the town of Petersburg, shall form another district: the counties of Brunswick, Dinwiddie, Greensville and Prince George, shall form another district: the counties of Isle of Wight, Southampton, Surry and Sussex, shall form another district: and the counties of Norfolk, Nansemond and Princess Anne, and the borough of Norfolk, shall form another district.

Mr. *Stuart* moved, that the said report be laid upon the table, and printed for the use of the Convention; which, on the question being put thereupon, was agreed to by the House.

Mr. *Gordon* moved to amend the fourteenth section of the amended Constitution, by inserting after the word "Governor," in the second line thereof, the following: "to be elected by joint vote of the two Houses of the General Assembly."

Mr. *Morgan* moved to amend the proposed amendment, by inserting after the word "elected," the word "annually."

And the question being put thereupon, was determined in the negative.—Ayes 20, Noes 74.

On motion of Mr. *Campbell of Brooke*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,	Messrs. Henley Chapman,
Jacob D. Williamson,	William Oglesby,
William Smith,	John Laidley,
Joshua Osborne,	Adam See,
William Donaldson,	Charles S. Morgan,
John B. George,	Alexander Campbell,
Andrew M'Millan,	Eugenius M. Wilson,
Edward Campbell,	James Saunders,
William Byars,	Benj. W. S. Cabell,
Gordon Cloyd,	James Pleasants.—20.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Charles F. Mercer,
John W. Jones,	William H. Fitzhugh,
Benjamin W. Leigh,	Richard H. Henderson,
Samuel Taylor,	John R. Cooke,
William B. Giles,	Alfred H. Powell,
William H. Brodnax,	Thomas Griggs, jun.
George C. Dromgoole,	James M. Mason,
Mark Alexander,	William Naylor,
William O. Goode,	Elisha Boyd,
John Marshall,	Philip C. Pendleton,
John Tyler,	John Roane,
Philip N. Nicholas,	William P. Taylor,
John B. Clopton,	Richard Morris,
Samuel Coffman,	James M. Garnett,
Peachy Harrison,	John P. Mathews,
Briscoe G. Baldwin,	Edwin S. Duncan,
Chapman Johnson,	Lewis Summers,
William M'Coy,	John S. Barbour,
Samuel M'D. Moore,	John Scott,
Fleming B. Miller,	John W. Green,
John Baxter,	Thomas Marshall,
John Y. Mason,	Littleton W. Tazewell,
James Trezvant,	George Loyall,
Augustine Claiborne,	Joseph Prentiss,
John Urquhart,	Hugh B. Grigsby,
John Randolph,	William Campbell,
William Leigh,	Samuel Claytor,
Richard Logan,	Samuel Branch,
Richard N. Venable,	George Townes,
James Madison,	Joseph Martin,
Robert Stanard,	Archibald Swart, jun.
Waller Holladay,	William F. Gordon,

Messrs. Lucas P. Thompson,	Messrs. John Coalter,
Thomas Massie, jun.	Thomas R. Joynes,
Fleming Bates,	Thomas M. Bayly,
Augustine Neale,	Abel P. Upshur,
Alexander F. Rose,	William K. Perrin.—74,

The question was then put upon the adoption of the proposed amendment, and determined in the affirmative.—Ayes 50, Noes 46.

On motion of Mr. *Powell*, (seven of the members present concurring.)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John Roane,
John W. Jones,	William P. Taylor,
Benjamin W. Leigh,	Richard Morris,
Samuel Taylor,	James M. Garnett,
William B. Giles,	John S. Barbour,
William H. Brodnax,	John Scott,
George C. Dromgoole,	John W. Green,
Mark Alexander,	Thomas Marshall,
William O. Goode,	Littleton W. Tazewell,
John Marshall,	George Loyall,
John Tyler,	Joseph Prentis,
Philip N. Nicholas,	Hugh B. Grigsby,
John B. Clopton,	William Campbell,
Chapman Johnson,	Samuel Branch,
John Y. Mason,	George Townes,
James Trezvant,	Joseph Martin,
Augustine Claiborne,	James Pleasants,
John Urquhart,	William F. Gordon,
John Randolph,	Thomas Massie, jun.
William Leigh,	Fleming Bates,
Richard Logan,	Augustine Neale,
Richard N. Venable,	Alexander F. Rose,
James Madison,	John Coalter,
Robert Stanard,	Thomas R. Joynes,
Waller Holladay,	William K. Perrin.—50.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. William Anderson,	Messrs. Jacob D. Williamson,
Samuel Coffman,	Briscoe G. Baldwin,
Peachy Harrison,	William M'Coy,

Messrs. Samuel M'D. Moore,	Messrs. William Byars,
Andrew Beirne,	Gordon Cloyd,
William Smith,	Henley Chapman,
Fleming B. Miller,	John P. Mathews,
John Baxter,	William Oglesby,
Charles F. Mercer,	Edwin S. Duncan,
William H. Fitzhugh,	John Laidley,
Richard H. Henderson,	Lewis Summers,
Joshua Osborne,	Adam See,
John R. Cooke,	Philip Doddridge,
Alfred H. Powell,	Charles S. Morgan,
Thomas Griggs, jun.	Alexander Campbell,
James M. Mason,	Eugenius M. Wilson,
William Naylor,	Samuel Claytor,
William Donaldson,	James Saunders,
Elisha Boyd,	Benj. W. S. Cabell,
Philip C. Pendleton,	Archibald Stuart, jun.
John B. George,	Lucas P. Thompson,
Andrew M'Millan,	Thomas M. Bayly,
Edward Campbell,	Abel P. Upshur.—46.

And then, on motion, Ordered, that the residue of the said fourteenth section, from the word "expired," in the seventh line thereof, be stricken out.

Mr. *Thompson* moved to amend the ninth section of the amended Constitution, by striking out in the ninth and tenth lines thereof, the words, "all the members of the Senate," and inserting, "the members present."

And the question being put thereupon, was determined in the affirmative.—Ayes 55, Noes 41.

On motion of Mr. *Thompson*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William M'Coy,
John W. Jones,	Samuel M'D. Moore,
William B. Giles,	Andrew Beirne,
George C. Dromgoole,	William Smith,
John Tyler,	Fleming B. Miller,
William Anderson,	John Baxter,
Samuel Coffman,	James Trezvant,
Peachy Harrison,	John Randolph,
Jacob D. Williamson,	Richard N. Venable,
Briscoe G. Baldwin,	Waller Holladay,

**Messrs.** Charles F. Mercer,  
 Joshua Osborne,  
 Alfred H. Powell,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 John Roane,  
 William P. Taylor,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,

**Messrs.** Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 Littleton W. Tazewell,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas M. Bayly,  
 William K. Perrin.—55.

*And the names of the gentlemen who voted in the negative, are :*

**Messrs.** Benjamin W. Leigh,  
 Samuel Taylor,  
 William H. Brodnax,  
 Mark Alexander,  
 William O. Goode,  
 John Marshall,  
 Philip N. Nicholas,  
 John B. Clopton,  
 Chapman Johnson,  
 John Y. Mason,  
 Augustine Claiborne,  
 John Urquhart,  
 William Leigh,  
 Richard Logan,  
 James Madison,  
 Robert Stanard,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 John R. Cooke,  
 Thomas Griggs, jun.  
 James M. Mason,

**Messrs.** Philip C. Pendleton,  
 Richard Morris,  
 James M. Garnett,  
 John S. Barbour,  
 John Scott,  
 John W. Green,  
 Thomas Marshall,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 Samuel Branch,  
 George Townes,  
 James Pleasants,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joynes,  
 Abel P. Upshur.—41.

Mr. *Stuart* moved to amend the twenty-eighth section of the amended Constitution, by striking out of the third line thereof the words "whole number elected to each House," and insert in lieu thereof the words "members present."



And the question being put thereupon, was determined in the affirmative.—Ayes 52, Noes 43.

On motion of Mr. *George*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

<b>Messrs.</b> P. P. Barbour, ( <i>Pres't.</i> )	<b>Messrs.</b> Edward Campbell,
John W. Jones,	William Byars,
Samuel Taylor,	John Roane,
William B. Giles,	William P. Taylor,
George C. Dromgoole,	Gordon Cloyd,
Mark Alexander,	Henley Chapman,
William O. Goode,	John P. Mathews,
William Anderson,	William Oglesby,
Samuel Coffman,	Edwin S. Duncan,
Peachy Harrison,	John Laidley,
Jacob D. Williamson,	Lewis Summers,
William M'Coy,	Adam See,
Samuel M'D. Moore,	Charles S. Morgan,
Andrew Beirne,	Alexander Campbell,
William Smith,	Eugenius M. Wilson,
Fleming B. Miller,	William Campbell,
John Baxter,	Samuel Claytor,
John Randolph,	James Saunders,
William Leigh,	Benj. W. S. Cabell,
Charles F. Mercer,	Joseph Martin,
Joshua Osborne,	Archibald Stuart, jun.
William Naylor,	William F. Gordon,
William Donaldson,	Lucas P. Thompson,
Elisha Boyd,	Thomas Massie, jun.
John B. George,	Thomas M. Bayly,
Andrew M'Millan,	William K. Perrin.—52.

*And the names of the gentlemen who voted in the negative, are :*

<b>Messrs.</b> Benjamin W. Leigh,	<b>Messrs.</b> James Trezvant,
William H. Brodnax,	Augustine Claiborne,
John Marshall,	John Urquhart,
John Tyler,	Richard Logan,
Philip N. Nicholas,	Richard N. Venable,
John B. Clopton,	James Madison,
Briscoe G. Baldwin,	Robert Stanard,
Chapman Johnson,	Waller Holladay,
John Y. Mason,	William H. Fitzhugh,

<b>Messrs.</b> Richard H. Henderson,	<b>Messrs.</b> George Loyall,
John R. Cooke,	Joseph Prentis,
Alfred H. Powell,	Hugh B. Grigsby,
Thomas Griggs, jun.	Samuel Branch,
James M. Mason,	George Townes,
Philip C. Pendleton,	James Pleasants,
Richard Morris,	Fleming Bates,
James M. Garnett,	Augustine Neale,
John S. Barbour,	Alexander F. Rose,
John Scott,	John Coalter,
John W. Green,	Thomas R. Joynes,
Thomas Marshall,	Abel P. Upshur.—43.
Littleton W. Tazewell,	

Mr. *Garnett* moved to amend the twelfth section of the amended Constitution, by striking out, beginning with the word "and," in the twenty-third line thereof, and ending with the word "same," in the twenty-eighth line; and is as follows:

"And every such citizen, who for twelve months next preceding, has been a house-keeper and head of a family within the county, city, town, borough or election district, where he may offer to vote, and shall have been assessed with a part of the revenue of the Commonwealth within the preceding year, and actually paid the same."

And then, on motion of Mr. *Summers*, the Convention adjourned until to-morrow, eleven o'clock.

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#### FRIDAY, JANUARY 8, 1830.

The Convention met pursuant to adjournment.

The *President* presented to the Convention a memorial from *Alexander Smyth*, Esq. which was read as follows:

*To the Convention of the Commonwealth of Virginia, the Memorial of ALEXANDER SMYTH, represents:*

That he has seen a copy of an amended Constitution, proposed by a committee of your body, in which is the following clause: "No person shall be eligible to the office of Governor, unless he shall have attained the age of thirty years, shall be a native citizen of the United States, and shall have been a citizen of this Commonwealth for five years next preceding his election."

Your memorialist was born in a small island in Europe, called on maps Rathlin, by some writers Ratherin, and celebrated as the

asylum of Robert Bruce; he was brought to Virginia a child in 1775, and bred in that Commonwealth; he was a member of the Legislature of Virginia in 1792, 1796, 1800, 1804, 1805, 1806, 1807, 1808, 1816, 1827, and is now serving his eleventh session as a member of the Congress of the United States, from Virginia.

Your memorialist has no desire to fill the office of Governor of the Commonwealth of Virginia; but he would feel aggrieved by an enactment declaring him (who has been fifty-four years a citizen and inhabitant, and is the grand-father of sixteen native Virginians,) ineligible, especially when it is to be declared that a native of New Orleans or Pensacola, born and bred under the Spanish Government, and who may have resided in Virginia five years, shall be eligible.

Your memorialist considers that all those who were born British subjects before the revolution, and became citizens of the United States by that event, whether born in Europe, the West Indies, or in the North American Colonies, have equal rights; they are natural born citizens, and not naturalized citizens.

Your memorialist requests a re-consideration of the said clause; and that it may be amended, so as to save the equal rights of citizens who became such by the revolution, wherever born.

Which is respectfully submitted.

ALEXANDER SMYTH.

On motion of Mr. *Summers*,

Ordered, that the said memorial be laid upon the table.

Mr. *Garnett's* amendment, submitted on yesterday, which proposed to amend the twelfth section of the amended Constitution, by striking out the following clause, to wit:

"And every such citizen, who for twelve months next preceding, has been a house-keeper and head of a family within the county, city, town, borough or election district, where he may offer to vote, and shall have been assessed with a part of the revenue of the Commonwealth within the preceding year, and actually paid the same," was taken up by the House.

And the question being put thereupon, was determined in the negative.—Ayes 40, Noes 55.

On motion of Mr. *Garnett*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Samuel Taylor,
John W. Jones,	William B. Giles,
Benjamin W. Leigh,	William H. Brodnax,

<b>Messrs.</b> George C. Dromgoole,	<b>Messrs.</b> John Roane,
Mark Alexander,	William P. Taylor,
William O. Goode,	Richard Morris,
John Marshall,	James M. Garnett,
John Tyler,	John S. Barbour,
Philip N. Nicholas,	John Scott,
John Y. Mason,	John W. Green,
James Trezvant,	Thomas Marshall,
Augustine Claiborne,	Littleton W. Tazewell,
John Urquhart,	George Loyall,
John Randolph,	Joseph Prentis,
William Leigh,	Hugh B. Grigsby,
Richard Logan,	Samuel Branch,
Richard N. Venable,	Fleming Bates,
Robert Stanard,	Augustine Neale,
Waller Holladay,	Alexander F. Rose,
William H. Fitzhugh,	John Coalter.—40.

*And the names of the gentlemen who voted in the negative, are:*

<b>Messrs.</b> John B. Clopton,	<b>Messrs.</b> Gordon Cloyd,
William Anderson,	Henley Chapman,
Samuel Coffman,	John P. Mathews,
Peachy Harrison,	William Oglesby,
Jacob D. Williamson,	Edwin S. Duncan,
Briscoe G. Baldwin,	John Laidley,
William M'Coy,	Lewis Summers,
Samuel M'D. Moore,	Adam See,
Andrew Beirne,	Philip Doddridge,
William Smith,	Charles S. Morgan,
Fleming B. Miller,	Alexander Campbell,
John Baxter,	Eugenius M. Wilson,
James Madison,	William Campbell,
Charles F. Mercer,	Samuel Claytor,
Richard H. Henderson,	James Saunders,
Joshua Osborne,	George Townes,
John R. Cooke,	Benj. W. S. Cabell,
Alfred H. Powell,	Joseph Martin,
Thomas Griggs, jun.	Archibald Stuart, jun.
James M. Mason,	James Pleasants,
William Naylor,	William F. Gordon,
William Donaldson,	Lucas P. Thompson,
Elisha Boyd,	Thomas Massie, jun.
Philip C. Pendleton,	Thomas R. Joynes,
John B. George,	Thomas M. Bayly,
Andrew M'Millan,	Abel P. Upshur,
Edward Campbell,	William K. Perrin.—55.
William Byars,	

Mr. *Fitzhugh* moved to amend the proposed amendment, by striking out the words "for twelve months," in the twenty-third line of the said twelfth section, and insert the words "two years;" which amendment he afterwards withdrew.

Mr. *Claytor* then moved to amend the same section, by inserting after the word "family," in the twenty-fourth line thereof, the words "or who has resided."

Mr. *Powell* moved to amend the said amendment, by striking out the words "twelve months," and inserting "two years," which was accepted by the mover.

On motion, Ordered, that leave be given to Messrs. *Johnson* and *Mathews*, members of the Convention, and absent from indisposition, to record their votes upon to-morrow, upon the several questions upon which the votes have been taken by Ayes and Noes this day.

The question was then put upon the adoption of Mr. *Claytor's* proposed amendment, and was determined in the negative.—Ayes 43, Noes 51.

On motion of Mr. *Powell*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob D. Williamson,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,

Messrs. William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Archibald Stuart, jun.  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur.—43.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (Pres't.)	Messrs. Thomas Griggs, jun.
John W. Jones,	Philip C. Pendleton,
Benjamin W. Leigh,	John Roane,
Samuel Taylor,	William P. Taylor,
William B. Giles,	Richard Morris,
William H. Brodnax,	James M. Garnett,
George C. Dromgoole,	John S. Barbour,
Mark Alexander,	John Scott,
William O. Goode,	John W. Green,
John Marshall,	Thomas Marshall,
John Tyler,	Littleton W. Tazewell,
Philip N. Nicholas,	George Loyall,
John B. Clopton,	Joseph Prentis,
Briscoe G. Baldwin,	Hugh B. Grigsby,
John Y. Mason,	William Campbell,
James Trezvant,	Samuel Branch,
Augustine Claiborne,	George Townes,
John Urquhart,	Joseph Martin,
John Randolph,	James Pleasants,
William Leigh,	Thomas Massie, jun.
Richard Logan,	Fleming Bates,
Richard N. Venable,	Augustine Neale,
James Madison,	Alexander F. Rose,
Robert Stanard,	John Coalter,
Waller Holladay,	William K. Perrin.—51.
William H. Fitzhugh,	

Mr. Cooke proposed to amend the said Constitution, by introducing after the fourth, a new and distinct section, in the following words :

“V. It shall be the duty of the Legislature, to re-apportion, once in ten years, to wit: in the year 1841, and every ten years thereafter, the representation of the counties, cities, towns and boroughs, of this Commonwealth, in both of the Legislative bodies: Provided, however, that the number of Delegates from the aforesaid four great districts, and the number of Senators from the aforesaid two great divisions, respectively, shall neither be increased nor diminished by such re-apportionment. And when a new county shall hereafter be created, or any city, town or borough, not now entitled to separate representation in the House of Delegates, shall have so increased in population as to be entitled, in the opinion of the General Assembly, to such representation, it shall be the duty of the General Assembly to make provision by law for securing to the people of such new county, or such city, town or borough, an adequate representation. And if the object cannot otherwise be effected, it

shall be competent to the General Assembly to re-apportion the whole representation of the great district containing such new county, or such city, town or borough, within its limits; which re-apportionment shall continue in force till the next regular decennial re-apportionment."

Mr. *Summers* moved to amend the proposition submitted by Mr. *Cooke*, by substituting the following :

"For the purpose of future apportionments of Senators and Delegates, the General Assembly shall cause registers from time to time to be formed, of the freehold voters in the several counties, cities, towns and boroughs, in which shall be ascertained the number of qualified freehold voters in each, residing on the land in virtue of which such right is founded; and also, the number of qualified freehold voters not residing on the land in right of which they vote, but whose freehold estate therein shall be of the assessed value of twenty-five dollars and upwards. That in the year one thousand eight hundred and thirty-five, and every tenth year thereafter, it shall be the duty of the General Assembly to re-apportion the Senators and Delegates among the several counties, cities, towns and election districts, as nearly as may be, in proportion to the registered freehold voters in each, without dividing counties in the formation of election districts; but no re-apportionment of Senators shall go into operation but as succeeding elections shall take place."

And the question being put thereupon, was determined in the negative.—Ayes 40, Noes 55.

On motion of Mr. *Summers*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. William Anderson,  
Samuel Coffman,  
Jacob D. Williamson,  
Briscoe G. Baldwin,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,

Messrs. Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byers,  
Gordon Cloyd,  
Healey Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,

Messrs. John Laidley,	Messrs. Alexander Campbell,
Lewis Summers,	Eugenius M. Wilson,
Adam See,	James Saunders,
Philip Doddridge,	Archibald Stuart, jun.
Charles S. Morgan,	Abel P. Upshur.—40.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, (Pres't.)	Messrs. Richard Morris,
John W. Jones,	James M. Garnett,
Benjamin W. Leigh,	John S. Barbour,
Samuel Taylor,	John Scott,
William B. Giles,	John W. Green,
William H. Brodnax,	Thomas Marshall,
George C. Dromgoole,	Littleton W. Tazewell,
Mark Alexander,	George Loyall,
William O. Goode,	Joseph Prentiss,
John Marshall,	Hugh B. Grigsby,
John Tyler,	William Campbell,
Philip N. Nicholas,	Samuel Claytor,
John B. Clopton,	Samuel Branch,
Peachy Harrison,	George Townes,
John Y. Mason,	Benj. W. S. Cabell,
James Trezvant,	Joseph Martin,
Augustine Claiborne,	James Pleasants,
John Urquhart,	William F. Gordon,
John Randolph,	Lucas P. Thompson,
William Leigh,	Thomas Massie, jun.
Richard Logan,	Fleming Bates,
Richard N. Venable,	Augustine Neale,
James Madison,	Alexander F. Rose,
Robert Stanard,	John Coalter,
Waller Holladay,	Thomas R. Joynes,
Charles F. Mencer,	Thomas M. Bayly,
John Roane,	William K. Perrin.—55.
William P. Taylor,	

Mr. Powell then moved to amend the proposition submitted by Mr. Cooke, by substituting the following, to wit:

"In the year 1842, and every ten years thereafter, the General Assembly shall have the power to apportion the representation of both branches among the several counties, cities and boroughs of the Commonwealth, according to some just and equitable ratio."

And the question being put thereupon, was determined in the negative.—Ayes 38, Noes 57.

On motion of Mr. Summers, (seven of the members present concurring,)



Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,	Messrs. John B. George,
Samuel Coffin,	Andrew M'Millan;
Peachy Harrison,	Edward Campbell,
Jacob D. Williamson,	William Byars,
William M'Coy,	Gordon Cloyd,
Samuel M'D. Moore,	Henley Chapman,
Andrew Beirne,	John P. Mathews,
William Smith,	William Oglesby,
Fleming B. Miller,	Edwin S. Duncan,
John Baxter,	John Laidley,
Charles F. Mercer,	Lewis Summers,
William H. Fitzhugh,	Adam See,
Joshua Osborne,	Philip Doddridge,
John R. Cooke,	Charles S. Morgan,
Alfred H. Powell,	Alexander Campbell,
James M. Mason,	Eugenius M. Wilson,
William Naylor,	Samuel Claytor,
William Donaldson,	James Saunders,
Elisha Boyd,	Benj. W. S. Cabell.—38.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (Pres't.)	Messrs. Richard Logan,
John W. Jones,	Richard N. Venable,
Benjamin W. Leigh,	James Madison,
Samuel Taylor,	Robert Stanard,
William B. Giles,	Waller Holladay,
William H. Brodnax,	Richard H. Henderson,
George C. Dröngoole,	Thomas Griggs, jun.
Mark Alexander,	Philip C. Pondleton,
William O. Goode,	John Roane,
John Marshall,	William P. Taylor,
John Tyler,	Richard Morris,
Philip N. Nicholas,	James M. Garnett,
John B. Clopton,	John S. Barbour,
Briscoe G. Baldwin,	John Scott,
John Y. Mason,	John W. Green,
James Trezvant,	Thomas Marshall,
Augustine Claiborne,	Littleton W. Tazewell,
John Urquhart,	George Loyall,
John Randolph,	Joseph Prentis,
William Leigh,	Hugh B. Grigby,

**Messrs.** William Campbell,  
 Samuel Branch,  
 George Townes,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.

**Messrs.** Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—57.

Mr. *Stuart* moved to amend the proposition submitted by Mr. *Cooke*, by inserting after the word "re-apportion," the words "upon white population."

And the question being put thereupon, was determined in the negative.—Ayes 46, Noes 49.

On motion of Mr. *Stuart*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

**Messrs.** William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob D. Williamson,  
 Briscoe G. Baldwin,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,

**Messrs.** John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Archibald Stuart, jun.  
 William F. Gordon,  
 Lucas P. Thompson.—46.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William P. Taylor,
John W. Jones,	Richard Morris,
Benjamin W. Leigh,	James M. Garnett,
Samuel Taylor,	John S. Barbour,
William B. Giles,	John Scott,
William H. Brodnax,	John W. Green,
George C. Dromgoole,	Thomas Marshall,
Mark Alexander,	Littleton W. Tazewell,
William O. Goode,	George Loyall,
John Marshall,	Joseph Prentiss,
John Tyler,	Hugh B. Grigsby,
Philip N. Nicholas,	Samuel Branch,
John B. Clopton,	George Townes,
John Y. Mason,	Joseph Martin,
James Trezvant,	James Pleasants,
Augustine Claiborne,	Thomas Massie, junr,
John Urquhart,	Fleming Bates,
John Randolph,	Augustine Neale,
William Leigh,	Alexander F. Rose,
Richard Logan,	John Coalter,
Richard N. Venable,	Thomas R. Joyner,
James Madison,	Thomas M. Bayly,
Robert Starnard,	Abel P. Upshur,
Waller Holladay,	William K. Perrin.—49.
John Reane,	

Mr. ~~Summers~~ proposed, as a substitute for the proposition submitted by Mr. ~~Cooke~~, the following :

“ One of which shall be called the House of Delegates, and shall consist of one Delegate to be chosen annually for and by each of the counties of the Commonwealth ; one Delegate to be chosen for and by the city of Richmond ; one Delegate to be chosen for and by the borough of Norfolk ; and one Delegate to be chosen for and by each of the towns of Petersburg, Lynchburg, Winchester and Wheeling. That whenever the General Assembly shall create a new county, such county shall elect and choose one Delegate ; but no new county shall be hereafter created of less territorial extent than five hundred square miles, or of less population than fifteen hundred persons.

“ The other House of the General Assembly shall be called the Senate, and shall consist of thirty-two members, of whom fourteen shall be chosen for and by the counties lying west of the Blue Ridge of mountains, and eighteen for and by the counties, cities, towns and boroughs lying east thereof ; and for the election of whom the counties, cities, towns and boroughs shall be divided into

thirty-two districts, as herein after provided. Each county of the respective districts, at the time of the first election of its Delegate under this Constitution, shall vote for one Senator; and the Sheriffs or other officer holding the election for each county, city, town or borough, within ten days at furthest after the last county, city, town or borough election in the district, shall meet at some convenient place, and from the polls so taken in their respective counties, cities, towns and boroughs, return as Senator the person who shall have the greatest number of votes in the whole district. To keep up this Assembly by rotation, the districts shall be divided into four classes, and numbered by lot. At the end of one year after the first election, the eight members elected by the first division, shall be displaced, and the vacancies thereby occasioned, supplied from such class or division, by new election in manner aforesaid. This rotation shall be applied to each division, according to its number, and continue in due order annually. And for the election of Senators, the counties of

“The General Assembly shall, whenever it may become necessary, re-apportion the Senators, by changing the number to be elected east and west of the Blue Ridge of mountains; but no such re-apportionment shall take effect, but as succeeding elections shall take place; and in all such re-apportionments, the former classification shall be preserved, or a new classification made, as the Legislature shall find most convenient.”

Mr. *Stuart* then moved to lay the said proposition, and proposed substitute, upon the table, and that they be printed for the use of the Convention.

And the question being put thereupon, was determined in the negative.

Mr. *Moore* moved the indefinite postponement of the said proposition, together with the proposed amendment.

Whereupon, Mr. *Summers* withdrew his proposed amendment, and Mr. *Moore* withdrew his motion to postpone.

The question then recurred upon the adoption of Mr. *Cooke's* proposition, and was determined in the affirmative.—Ayes 56, Noes 39.

On motion of Mr. *Campbell of Brooks*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William B. Giles,
John W. Jones,	William H. Brodnax,
Benjamin W. Leigh,	George C. Dromgoole,
Samuel Taylor,	Mark Alexander,

**Messrs.** William O. Goode,  
 John Marshall,  
 John Tyler,  
 Philip N. Nicholas,  
 John B. Clopton,  
 John Y. Mason,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 James Madison,  
 Robert Stanard,  
 Waller Holladay,  
 John R. Cooke,  
 Thomas Griggs, jun.  
 Philip C. Pendleton,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John Laidley,

**Messrs.** John S. Barbours,  
 John Scott,  
 John W. Green,  
 Thomas Marshall,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentiss,  
 Hugh B. Grigsby,  
 William Campbell,  
 Samuel Branch,  
 George Townes,  
 Joseph Martin,  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—56.

*And the names of the gentlemen who voted in the negative, are :*

**Messrs.** William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob D. Williamson,  
 Briscoe G. Baldwin,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 Alfred H. Powell,  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,

**Messrs.** John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Archibald Stuart, jr.—39.

**Mr. Summers** moved to strike out the third, fourth and fifth sections of the amended Constitution, and insert as follows: (the same as that just withdrawn.)

**Mr. Gordon** moved a division of the question, which was agreed to by the House.

**Mr. Summers** then moved to strike out the third section, and insert in lieu thereof the following:

“One of which shall be called the House of Delegates, and shall consist of one Delegate to be chosen annually, for and by each of the counties of the Commonwealth; one Delegate to be chosen for and by the city of Richmond; one Delegate to be chosen for and by the borough of Norfolk; and one Delegate to be chosen for and by each of the towns of Petersburg, Lynchburg, Winchester and Wheeling. That whenever the General Assembly shall create a new county, such county shall elect and choose one Delegate; but no new county shall be hereafter created of less territorial extent than five hundred square miles, or of less population than fifteen hundred persons.”

**Mr. Morris** moved that the question be first put upon striking out the third section, which was also agreed to by the House.

And the question being put accordingly, was determined in the negative.—Ayes 37, Noes 58.

On motion of **Mr. Summers**, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson,  
Briscoe G. Baldwin,  
William M'Coy,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
Joshua Osborne,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
William Donaldson,  
Philip C. Pendleton,

Messrs. John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
James Saunders,  
Archibald Stuart, jr.—37.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William P. Taylor,
John W. Jones,	Richard Morris,
Benjamin W. Leigh,	James M. Garnett,
Samuel Taylor,	John S. Barbour,
William B. Giles,	John Scott,
William H. Brodnax,	John W. Green,
George C. Dromgoole,	Thomas Marshall,
Mark Alexander,	Littleton W. Tazewell,
William O. Goode,	George Loyall,
John Marshall,	Joseph Prentis,
John Tyler,	Hugh B. Grigsby,
Philip N. Nicholas,	William Campbell,
John B. Clopton,	Samuel Claytor,
Samuel M'D. Moore,	Samuel Branch,
John Y. Mason,	George Townes,
James Frezvant,	Benj. W. S. Cabell,
Augustine Claiborne,	Joseph Martin,
John Urquhart,	James Pleasants,
John Randolph,	William F. Gordon,
William Leigh,	Lucas P. Thompson,
Richard Logan,	Thomas Massie, jun.
Richard N. Venable,	Fleming Bates,
James Madison,	Augustine Neale,
Robert Stanard,	Alexander F. Rose,
Waller Holladay,	John Coalter,
Richard H. Henderson,	Thomas R. Joynes,
John R. Cooke,	Thomas M. Bayly,
Elisha Boyd,	Abel P. Upshur,
John Roane,	William K. Perrin.—58.

And thereupon Mr. *Summers*, with the leave of the House, withdrew the remainder of his proposition.

Mr. *Smith* moved to amend the fourth section of the amended report of the Select Committee, by striking out in the sixth line thereof the word "Greenbrier;" and in the fifteenth and sixteenth lines, the words "Alleghany, Bath and Botetourt," and insert "Botetourt, Alleghany, Greenbrier, Pocahontas and Nicholas;" and in the fifteenth line, after the word "Rockbridge," insert "and Bath." In the third and fourth lines of the same section, strike out the words "and Pocahontas;" and in the fifth line, the words "and Nicholas."

Mr. *Stuart* moved, that the said fourth section, together with the proposed amendment, be laid upon the table.

And the question being put thereupon, was determined in the negative.

The question was then put upon the said amendment, and was determined in the negative.

Mr. *Miller* moved to amend the fourth section of the amended report, by striking out the words "and Pocahontas," in the fourth line thereof, and inserting the same words after "Botetourt," in the sixteenth line.

Mr. *Claytor* moved to re-commit the fourth article of the amended report of the Select Committee, to a committee of twenty-four members, consisting of one from each Senatorial district.

And the question being put thereupon, was determined in the negative.

The question was then put upon Mr. *Miller's* proposed amendment, and determined in the affirmative.

Mr. *Stuart* then moved to amend the third section of the amended report of the Select Committee, by striking out of the twenty-seventh line thereof the word "Brunswick," and insert in lieu thereof the word "Franklin;" and in the thirty-first line, strike out the word "Franklin," and insert "Brunswick."

And the question being put thereupon, was determined in the affirmative.—Ayes 51, Noes 44.

On motion of Mr. *Stuart*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson,  
Briscoe G. Baldwin,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,

Messrs. William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Philip Doddridge,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
John Scott,



Messrs. John W. Green,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
George Townes,  
Benj. W. S. Cabell,

Messrs. Joseph Martin,  
Archibald Stuart, jun.  
Lucas P. Thompson,  
Thomas Massie, jun.  
Thomas M. Bayly.—51.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, (*Pres't.*)  
John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,

Messrs. Robert Stanard,  
Waller Holladay,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
John S. Barbour,  
Thomas Marshall,  
Littleton W. Tazewell,  
George Loyall,  
Joseph Prentis,  
Hugh B. Grigsby,  
Samuel Branch,  
James Pleasants,  
William F. Gordon,  
Fleming Bates,  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas R. Joynes,  
Abel P. Upshur,  
William K. Perrin.—44.

Mr. *Brodnax* then moved further to amend the same section of the amended report, by striking out of the twenty-sixth line thereof the word "Loudoun," and inserting the same word after the word "Halifax," in the twenty-eighth line..

And then, on motion of Mr. *Clopton*, the Convention adjourned until to-morrow, eleven o'clock.

SATURDAY, JANUARY 9, 1830.

The Convention met pursuant to adjournment.

The amendment proposed by Mr. *Brodnax*, to the amended report of the Select Committee, was taken up, and on motion of Mr. *Dromgoole*, with the leave of the House, was withdrawn.

Mr. *Neale* moved to amend the amended report of the Select Committee, by striking out the words "thirty-two," in the second line of the third section thereof, and insert "forty-two."

And the question being put thereupon, was determined in the negative.—Ayes 12, Noes 81.

On motion of Mr. *Campbell of Brooke*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John Tyler,	Messrs. Adam See,
John B. Clopton,	Augustine Neale,
John Y. Mason,	Thomas R. Joynes,
Augustine Claiborne,	Thomas M. Bayly,
Richard H. Henderson,	Abel P. Upshur,
John R. Cooke,	William K. Perrin.—12.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William Smith,
John W. Jones,	Fleming B. Miller,
Benjamin W. Leigh,	John Baxter,
Samuel Taylor,	James Trezvant,
William B. Giles,	John Urquhart,
William H. Brodnax,	John Randolph,
George C. Dromgoole,	William Leigh,
Mark Alexander,	Richard Logan,
William O. Goode,	Richard N. Venable,
John Marshall,	James Madison,
Philip N. Nicholas,	Robert Stanard,
William Anderson,	Waller Holladay,
Samuel Coffman,	Charles F. Mercer,
Peachy Harrison,	William H. Fitzhugh,
Jacob D. Williamson,	Joshua Osborne,
Briscoe G. Baldwin,	Alfred H. Powell,
William M'Coy,	Thomas Griggs, jun.
Samuel M'D. Moore,	James M. Mason,
Andrew Beirne,	William Naylor,

Messrs. William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 John S. Barbour,

Messrs. John Scott,  
 John W. Green,  
 Thomas Marshall,  
 Littleton W. Fawcett,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Samuel Branch,  
 George Townes,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Alexander F. Rose,  
 John Coalter.—83.

Mr. *Massie* moved the re-consideration of the vote given on yesterday, by which it was determined to strike out the word "Brunswick," in the twenty-seventh line of the third section of the amended report of the Select Committee, and insert in lieu thereof, the word "Franklin."

And the question being put thereupon, was determined in the affirmative.—Ayes 49, Noes 45.

On motion of Mr. *Stuart*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John Marshall,
John W. Jones,	John Tyler,
Benjamin W. Leigh,	Philip N. Nicholas,
Samuel Taylor,	John B. Clopton,
William B. Giles,	John Y. Mason,
William H. Brodnax,	James Trezvant,
George C. Dromgoole,	Augustine Claiborne,
Mark Alexander,	John Urquhart,
William O. Goode,	John Randolph,

Messrs. William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 James Madison,  
 Robert Stanard,  
 Waller Holladay,  
 Thomas Griggs, jun.  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John S. Barbour,  
 John Scott,  
 John W. Green,  
 Thomas Marshall,  
 Littleton W. Tazewell,

Messrs. George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 Samuel Branch,  
 James Pleasants,  
 William F. Gordon,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—49.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob D. Williamson,  
 Briscoe G. Baldwin,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,

Messrs. Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 George Townes,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 Lucas P. Thompson.—45.

Mr. Townes moved to amend the third section of the amended report of the Select Committee, by striking out the words "the county of Loudoun shall elect three Delegates," in the twenty-sixth line thereof, and insert "Loudoun," before "Albemarle," in the twenty-seventh line.

And the question being put thereupon, was determined in the negative.—Ayes 37, Noes 58.

On motion of Mr. Osborne, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, (Pres't.)	Messrs. John Roane,
John W. Jones,	William P. Taylor,
Benjamin W. Leigh,	Richard Morris,
Samuel Taylor,	James M. Garnett,
William B. Giles,	John S. Barbour,
William H. Brodnax,	John Scott,
George C. Dromgoole,	John W. Green,
Mark Alexander,	Thomas Marshall,
William O. Goode,	Littleton W. Tazewell,
John Y. Mason,	George Loyall,
James Trezvant,	Joseph Prentis,
Augustine Claiborne,	Hugh B. Grigsby,
John Urquhart,	Samuel Branch,
John Randolph,	George Townes,
William Leigh,	Joseph Martin,
Richard Logan,	Alexander F. Rose,
Richard N. Venable,	John Coaker,
Robert Stanard,	William K. Perrin.—37.
Waller Holladay,	

*And the names of the gentlemen who voted in the negative, are:*

Messrs. John Marshall,	Messrs. Charles F. Mercer,
John Tyler,	William H. Fitzhugh,
Philip N. Nicholas,	Richard H. Henderson,
John B. Clopton,	Joshua Osborne,
William Anderson,	John R. Cooke,
Samuel Coffman,	Alfred H. Powell,
Peachy Harrison,	Thomas Griggs, jun.
Jacob D. Williamson,	James M. Mason,
Briscoe G. Baldwin,	William Naylor,
William M'Coy,	William Donaldson,
Samuel M'D. Moore,	Elisha Boyd,
Andrew Beirne,	Philip C. Pendleton,
William Smith,	John B. George,
Fleming B. Miller,	Andrew M'Millan,
John Baxter,	Edward Campbell,
James Madison,	William Byars,

Messrs. Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 William Campbell,

Messrs. Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur.—58.

Mr. *Stuart* moved to amend the said report, by striking out the word "*Brunswick*," in the twenty-seventh line thereof, and insert "*Franklin*."

Mr. *Dromgoole* moved a division of the question, and that the vote be first taken upon striking out the word "*Brunswick*;" which was agreed to by the House.

And the question being put accordingly, was determined in the affirmative.—Ayes 49, Noes 46.

On motion of Mr. *Fitzhugh*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob D. Williamson,  
 Briscoe G. Baldwin,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.

Messrs. James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,

Messrs. Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
John Scott,  
John W. Green,  
William Campbell,  
Samuel Claytor,

Messrs. James Saunders,  
George Townes,  
Benj. W. S. Cabell,  
Joseph Martin,  
Archibald Stuart, jun.  
Lucas P. Thompson.—49.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, (*Pres't.*)  
John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,  
Robert Stanard,

Messrs. Waller Holladay,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
John S. Barbour,  
Thomas Marshall,  
Littleton W. Tazewell,  
George Loyall,  
Joseph Prentis,  
Hugh B. Grigsby,  
Samuel Branch,  
James Pleasants,  
William F. Gordon,  
Thomas Massie, jun.  
Fleming Bates,  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas R. Joynes,  
Thomas M. Bayly,  
Abel P. Upshur,  
William K. Perwin.—46.

The question was then put upon inserting the word "Franklin," in lieu of "Brunswick," stricken out, and determined in the affirmative.—Ayes 72, Noes 23.

On motion of Mr. *Fitzhugh*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, (*Pres't.*) Messrs. John B. Clopton,  
John Marshall, William Anderson,  
Philip N. Nicholas, Samuel Coffman,

**Messrs.** Peachy Harrison,  
 Jacob D. Williamson,  
 Briscoe G. Baldwin,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 John Randolph,  
 Richard Logan,  
 James Madison,  
 Robert Stanard,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Milan,  
 Edward Campbell,  
 William Byars,  
 William P. Taylor,  
 Richard Morris,  
 Gordon Cloyd,  
 Henley Chapman,

**Messrs.** John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Philip Doddridge,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 John S. Barbour,  
 John Scott,  
 John W. Green,  
 Thomas Marshall,  
 George Loyall,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Samuel Branch,  
 George Townes,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas M. Bayly,  
 Abel P. Upshur.—72.

*And the names of the gentlemen who voted in the negative, are:*

**Messrs.** John W. Jones,  
 Benjamin W. Leigh,  
 Samuel Taylor,  
 William B. Giles,  
 William H. Brodnax,  
 George C. Drougoole,  
 Mark Alexander,  
 William O. Goode,  
 John Tyler,  
 John Y. Mason,  
 James Trezvant,  
 Augustine Claiborne,

**Messrs.** John Urquhart,  
 William Leigh,  
 Richard N. Venable,  
 Waller Holladay,  
 John Roane,  
 James M. Garnett,  
 Littleton W. Tazewell,  
 Joseph Prentis,  
 Hugh B. Grigsby,  
 Thomas R. Joynes,  
 William K. Perrin.—23.



Mr. *Naylor* moved to amend the fourth section of the said amended report, by striking out the word "Hardy," in the twelfth line thereof, and inserting the same after "Rockingham," in the thirteenth line.

And the question being put thereupon, was determined in the negative.

Mr. *Leigh of Chesterfield* then moved to amend the same section of the said report, by inserting the word "Brunswick," after "Amherst," in the thirtieth line thereof.

And the question being put thereupon, was agreed to by the House.

And then, on motion of Mr. *Smith*, the Convention adjourned until Monday, eleven o'clock.

### MONDAY, JANUARY 11, 1830.

The Convention met pursuant to adjournment.

Mr. *Smith* moved to amend the fourth section of the amended report of the Select Committee, by striking out the word "Greenbrier," in the sixth line thereof, and inserting it after the word "Bath," in the sixteenth line.

And the question being put upon agreeing to the said amendment, was determined in the negative.—Ayes 40, Noes 51.

On motion of Mr. *Smith*, (seven of the members present concurring.)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton,  
Samuel Coffman,  
Jacob D. Williamson,  
Briscoe G. Baldwin,  
Samuel M'D. Moore,  
William Smith,  
James Madison,  
Robert Stanard,  
Charles F. Mercer,  
Joshua Osborne,

Messrs. John R. Cooke,  
Thomas Griggs, jun.  
Elisha Boyd,  
Philip C. Pendleton,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,

Messrs. Lewis Summers,  
Adam See,  
Eugenius M. Wilson,  
John W. Green,  
William Campbell,  
Samuel Claytor,  
James Saunders,

Messrs. Samuel Branch,  
George Townes,  
Archibald Stuart, jun.  
Lucas P. Thompson,  
John Coalter,  
Thomas M. Bayly,  
Abel P. Uphar.—40.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William Naylor,
John W. Jones,	William Donaldson,
Benjamin W. Leigh,	John Reane,
Samuel Taylor,	William P. Taylor,
William B. Giles,	Richard Morris,
William H. Brodnax,	James M. Garnett,
George C. Dromgoole,	John Laidley,
Mark Alexander,	Charles S. Morgan,
William Anderson,	Alexander Campbell,
Peachy Harrison,	John S. Barbour,
William M'Coy,	John Scott,
Andrew Beirne,	Thomas Marshall,
Fleming B. Miller,	Littleton W. Tazewell,
John Baxter,	George Loyall,
John Y. Mason,	Joseph Prentis,
James Trezvant,	Hugh B. Grigsby,
Augustine Claiborne,	Joseph Martin,
John Urquhart,	James Pleasants,
John Randolph,	William F. Gordon,
William Leigh,	Thomas Massie, jun.
Richard Logan,	Fleming Bates,
Richard N. Venable,	Augustine Neale,
Waller Holladay,	Alexander F. Rose,
William H. Fitzhugh,	Thomas R. Joynes,
Richard H. Henderson,	William K. Perrin.—51.
Alfred H. Powell,	

Mr. *Claytor* moved to amend the same section of the said amended report, by striking out from the word "district," in the thirty-second line, to the end thereof, and insert as follows :

"The counties of Patrick, Henry and Franklin, shall form another district; the counties of Pittsylvania and Halifax, shall form another district; the counties of Bedford and Campbell, shall form another district; the counties of Mecklenburg, Charlotte, Lunenburg and Newberry, shall form another district; the counties of Prince Edward, Buckingham, Cumberland and Powhatan, shall form another district; the counties of Amelia, Chesterfield, Prince

George, and the town of Petersburg, shall form another district; the counties of Brunswick, Greenville, Dinwiddie and Sussex, shall form another district; the counties of Surry, Isle of Wight, Southampton and Nansemond, shall form another district; and the counties of Norfolk, Princess Anne, and the borough of Norfolk, shall form another district."

And the question being put upon the said amendment, was determined in the negative.—Ayes 43, Noes 51.

On motion of Mr. Claytor, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,	Messrs. John B. George,
Samuel Coffman,	Andrew M'Millan,
Peachy Harrison,	Edward Campbell,
Jacob D. Williamson,	William Byars,
Briscoe G. Baldwin,	Gordon Cloyd,
William M'Coy,	Henley Chapman,
Samuel M'D. Moore,	John P. Mathews,
Andrew Beirne,	William Oglesby,
William Smith,	Edwin S. Duncan,
John Baxter,	Lewis Summers,
Charles F. Mercer,	Adam See,
William H. Fitzhugh,	Charles S. Morgan,
Richard H. Henderson,	Alexander Campbell,
Joshua Osborne,	Eugenius M. Wilson,
John R. Cooke,	William Campbell,
Alfred H. Powell,	Samuel Claytor,
Thomas Griggs, jun.	James Saunders,
James M. Mason,	George Townes,
William Naylor,	Benj. W. S. Cabell,
William Donaldson,	Archibald Stuart, jun.
Elisha Boyd,	Lucas P. Thompson.—43.
Philip C. Pendleton,	

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (Pres't.)	Messrs. Mark Alexander,
John W. Jones,	William O. Goode,
Benjamin W. Leigh,	John Marshall,
Samuel Taylor,	John Tyler,
William B. Giles,	Philip N. Nicholas,
William H. Brodnax,	John B. Clopton,
George C. Dromgoole,	Fleming B. Miller,

Messrs. John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,  
Robert Stanard,  
Waller Holladay,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
John Laidley,  
John S. Barbour,  
John Scott,  
John W. Green,

Messrs. Thomas Marshall,  
Littleton W. Tazewell,  
George Loyall,  
Joseph Prentis,  
Hugh B. Grigaby,  
Samuel Branch,  
Joseph Martin,  
James Pleasants,  
William F. Gordon,  
Thomas Massie, jun.  
Fleming Bates,  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas R. Joynes,  
Thomas M. Bayly,  
Abel P. Upshur,  
William K. Perrin.—51.

Mr. Leigh of *Chesterfield* moved to amend the third section of the amended report, by striking out the word "two," after "thirty," in the second line thereof, and insert the word "nine."

And the question being put thereupon, was determined in the negative.—Ayes 45, Noes 49.

On motion of Mr. Leigh of *Chesterfield*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton,  
Samuel M'D. Moore,  
John Y. Mason,  
James Trezvant,

Messrs. Augustine Claiborne,  
John Urquhart,  
John Randolph,  
William Leigh,  
James Madison,  
Richard H. Henderson,  
John R. Cooke,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
Gordon Cloyd,  
John P. Mathews,  
John W. Green,  
Littleton W. Tazewell,

Messrs. George Loyall,  
Joseph Prentis,  
Hugh B. Grigsby,  
George Townes,  
Joseph Martin,  
James Pleasants,  
William F. Gordon,  
Fleming Bates,

Messrs. Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas R. Joyues,  
Thomas M. Bayly,  
Abel P. Upshur,  
William K. Parrin.—45.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (*Pres't.*)  
William Anderson,  
Samuel Coffinan,  
Peachy Harrison,  
Jacob D. Williamson,  
Briscoe G. Baldwin,  
William M'Goy,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
Richard Logan,  
Richard N. Venable,  
Robert Stanard,  
Waller Holladay,  
Charles F. Mercer,  
William H. Fitzhugh,  
Joshua Osborne,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Peadleton,

Messrs. John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Henley Chapman,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
John S. Barbour,  
John Scott,  
Thomas Marshall,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Samuel Branch,  
Benj. W. S. Cabell,  
Archibald Stuart, jun.  
Lucas P. Thompson,  
Thomas Massie, jun.—49.

Mr. *Miller* moved to amend the third section of the said report, by striking out the counties of Brunswick, Caroline, Montgomery and Wythe, from the class entitled to one Delegate each, and insert them in the class entitled to two.

Mr. *Leigh of Chesterfield* moved to amend the said amendment, by inserting the word "Chesterfield," after "Caroline;" which, the question being put thereupon, was determined in the affirmative.—Ayes 47, Noes 45.

Mr. *Fitzhugh* then moved to amend the said amendment, by adding thereto the county of Fairfax.

And the question being put thereupon, was determined in the negative.

Mr. *Smith* moved further to amend the said amendment, by adding thereto the county of Greenbrier.

And the question being put thereupon, was determined in the negative.

Mr. *Claytor* moved a division of the question upon the said amendment, and that it be first put upon striking out said counties; and being put accordingly, was determined in the negative.

Mr. *Morris* moved to amend the same section of the amended report, by striking out the word "Caroline," in the thirty-third line, and inserting the same after the word "Accomack," in the thirty-second line.

And the question being put thereupon, was determined in the negative.

Mr. *Mason* moved to amend the same section of the amended report, by striking out the words "Prince George," in the forty-first line thereof, and insert them after the words "Isle of Wight," in the forty-second; which, the question being put thereupon, was agreed to by the House.

Mr. *Goode* moved to amend the same section of the amended report, by striking the counties of Brunswick and Montgomery from the class entitled to one Delegate, and insert them in the class entitled to two.

Mr. *Mathews* moved to amend the said amendment, by adding thereto the counties of Wythe and Chesterfield.

Mr. *Powell* moved a division of the question, and that it be first put upon adding the county of Wythe; which was agreed to by the House.

And the question being put accordingly, was determined in the negative.

The question was then put upon adding the county of Chesterfield, and determined in the negative.

Mr. *Powell* moved a division of the question upon the first proposed amendment, by taking the vote first upon striking out the counties of Brunswick and Montgomery; which was agreed to by the House.

And the question being put accordingly, was determined in the affirmative.—Ayes 47, Noes 44.

Mr. *Goode* then moved to amend the amended report of the Select Committee, by striking out the word "two," in the second line thereof, and inserting "four;" and was agreed to by the House.

Mr. *Madison* submitted the following proposition, to wit:

"The General Assembly, after the year                      and at intervals thereafter, of not less than                      years, shall have authority, two-thirds of each House concurring, to make re-apportionments of Delegates and Senators throughout the Commonwealth, so that

the number of Delegates shall not at any time exceed , nor of Senators .”

Which on motion, was laid upon the table.

Mr. *Mathews* moved to amend the same section of the amended report, by striking out the counties of *Chesterfield* and *Wythe* from the class of counties entitled to one Delegate, and inserting them in the class entitled to two.

Mr. *Taylor* of *Caroline* moved to amend the said amendment, by adding thereto the word “*Caroline*.”

And the question being put thereupon, was determined in the negative.

The question was then put upon agreeing to the first proposed amendment, and determined in the negative.—Ayes 34, Noes 57.

Mr. *Branch* moved to amend the third section of the amended report of the Select Committee, by striking out the words “thirty-four,” in the second line thereof, and inserting “thirty-nine.”

Which, the question being put thereupon, was determined in the negative.—Ayes 46, Noes 48.

On motion of Mr. *Fitzhugh*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,  
Robert Stanard,  
Waller Holladay,

Messrs. John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
John P. Mathews,  
John S. Barbour,  
John W. Green,  
Thomas Marshall,  
Littleton W. Tazewell,  
George Loyall,  
Joseph Prentis,  
Hugh B. Grigsby,  
Samuel Branch,  
George Townes,  
James Pleasants,  
William F. Gordon,  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas R. Joynes,  
Thomas M. Bayly,  
Abel P. Upshur,  
William K. Perrin.—46.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John B. George,
William Anderson,	Andrew M'Millan,
Samuel Coffman,	Edward Campbell,
Peachy Harrison,	William Byars,
Jacob D. Williamson,	Gordon Cloyd,
Briscoe G. Baldwin,	Henley Chapman,
William M'Coy,	William Oglesby,
Samuel M'D. Moore,	Edwin S. Duncan,
Andrew Beirne,	John Laidley,
William Smith,	Lewis Summers,
Fleming B. Miller,	Adam See,
John Baxter,	Charles S. Morgan,
Charles F. Mercer,	Alexander Campbell,
William H. Fitzbugh,	Eugenius M. Wilson,
Richard H. Henderson,	John Scott,
Joshua Osborne,	William Campbell,
John R. Cooke,	Samuel Claytor,
Alfred H. Powell,	James Saunders,
Thomas Griggs, jun.	Benj. W. S. Cabell,
James M. Mason,	Joseph Martin,
William Naylor,	Archibald Stuart, jun.
William Donaldson,	Lucas P. Thompson,
Elisha Boyd,	Thomas Massie, jun.
Philip C. Pendleton,	Fleming Bates.—48.

The question was then put upon the adoption of the third and fourth sections of the amended report of the Select Committee, as amended, and was determined in the affirmative.

Mr. *Powell* moved that when this House adjourns, it adjourn to meet to-morrow, at ten o'clock.

And the question being put thereupon, was determined in the affirmative.

Mr. *Leigh* of *Chesterfield* moved a re-consideration of the vote by which the House had agreed to the amended report of the Select Committee, as amended.

And the question being put thereupon, was determined in the negative.—Ayes 46, Noes 48.

On motion of Mr. *Leigh* of *Chesterfield*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John W. Jones,	Messrs. Samuel Taylor,
Benjamin W. Leigh,	William B. Giles,



Messrs. William H. Brodnax,	Messrs. John Roane,
George C. Dromgoole,	William P. Taylor,
Mark Alexander,	Richard Morris,
William O. Góode,	James M. Garnett,
John Marshall,	Thomas Marshall,
John Tyler,	Littleton W. Tazewell,
Philip N. Nicholas,	George Loyall,
John B. Clopton,	Joseph Prentis,
Samuel M'D. Moore,	Hugh B. Grigsby,
John Y. Mason,	Samuel Branch,
James Trézvant,	George Townes,
Augustine Claiborne,	Joseph Martin,
John Urquhart,	James Pleasants,
John Rapdolph,	William F. Gordon,
William Leigh,	Augustine Neale,
Richard Logan,	Alexander F. Rose,
Richard N. Venable,	John Coalter,
James Madison,	Thomas R. Joynes,
Waller Holladay,	Thomas M. Bayly,
Richard H. Henderson,	Abel P. Upshur,
John R. Cooke,	William K. Perrin.—46.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Edward Campbell,
William Anderson,	William Byars,
Samuel Coffman,	Gordon Cloyd,
Peachy Harrison,	Henley Chapman,
Jacob D. Williamson,	John P. Mathews,
Briscoe G. Baldwin,	William Oglesby,
William M'Coy,	Edwin S. Duncan,
Andrew Beirne,	John Laidley,
William Smith,	Lewis Summers,
Fleming B. Miller,	Adam See,
John Baxter,	Charles S. Morgan,
Robert Stanard,	Alexander Campbell,
Charles F. Mercer,	Eugenius M. Wilson,
William H. Fitzhugh,	John S. Barbour,
Joshua Osborne,	John Scott,
Alfred H. Powell,	John W. Green,
Thomas Griggs, jun.	William Campbell,
James M. Mason,	Samuel Claytor,
William Naylor,	James Saunders,
William Donaldson,	Benj. W. S. Cabell,
Elisha Boyd,	Archibald Stuart, jun.
Philip C. Pendleton,	Lucas P. Thompson,
John B. George,	Thomas Massie, jun.
Andrew M'Millan,	Fleming Bates.—48.

Mr. *Summers* moved to amend the fifteenth section of the amended Constitution, by striking out the words "be a native citizen," and insert the words, "have been a citizen of the United States for fourteen years."

And the question being put upon agreeing to said amendment, was determined in the negative.

Mr. *Summers* then moved to amend the same section, by striking out the words "be a native," in the second line thereof, and insert, "shall have been a," and after the words "United States," insert, "at the adoption of the Federal Constitution."

And the question being put thereupon, was determined in the affirmative.—Ayes 46, Noes 41.

Mr. *Upshur* moved that the proposition submitted by Mr. *Madison*, and laid upon the table, be printed for the use of the Convention; which was agreed to by the House.

Mr. *Cooke* moved that the Constitution, as amended, be printed for the use of the Convention; which was agreed to by the House.

And then, on motion of Mr. *M'Coy*, the Convention adjourned until to-morrow, ten o'clock.

## TUESDAY, JANUARY 12, 1830.

The Convention met pursuant to adjournment.

Mr. *Madison* moved that the House take up the proposition submitted by him on yesterday, and laid upon the table; which was agreed to by the House.

Mr. *Madison* then moved to fill the first blank in the said proposition with the words "eighteen hundred and forty-one;" which, the question being put thereupon, was agreed to by the House.

Mr. *Madison* then modified his said proposition, so as to cause it to read:

"The General Assembly, after the year 1841, and at intervals thereafter of not less than ten years, shall have authority, two-thirds of each House concurring, to make re-apportionments of Delegates and Senators, throughout the Commonwealth, so that the number of Delegates shall not at any time exceed 150, nor of Senators 36."

Mr. *Chapman* moved to amend the said proposition, by striking out, in the third line thereof, the following words: "two-thirds of each House concurring."

And the question being put thereupon, was determined in the negative.—Ayes 39, Noes 55.

On motion of Mr. *Trezvant*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
William H. Fitzbugh,  
Joshua Osborne,  
Alfred H. Powell,  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,

Messrs. William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
John Scott,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Archibald Stuart, jun.  
Thomas Massie, jun.—39.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (*Pres't.*)  
John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Philip N. Nicholas,  
John B. Clopton,  
Briscoe G. Baldwin,  
Chapman Johnson,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,

Messrs. William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,  
Robert Stanard,  
Waller Holladay,  
Charles F. Mercer,  
Richard H. Henderson,  
John R. Cooke,  
Thomas Griggs, jun.  
Philip C. Pendleton,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
John S. Barbour,  
John W. Green,  
Thomas Marshall,  
Littleton W. Tazewell,

Messrs. George Loyall,  
Joseph Prentis,  
Hugh B. Grigsby,  
Samuel Branch,  
George Townes,  
Joseph Martin,  
James Pleasants,  
William F. Gordon,  
Lucas P. Thompson,

Messrs. Fleming Bates,  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas R. Joynes,  
Thomas M. Bayly,  
Abel P. Upshur,  
William K. Perrin.—55.

Mr. *Clopton* moved to amend the said proposition, by adding the following :

“ Whenever the Legislature shall make a re-apportionment of representation throughout the Commonwealth, they shall cause a re-assessment of the lands to be taken for the purposes of taxation.”

And the question being put thereupon, was determined in the negative.

Mr. *Campbell of Brooke* moved to amend the said proposition, by striking out all after the words “ General Assembly,” and inserting as follows :

“ After the year 1841, and at intervals thereafter, of not less than ten years, shall have authority to make re-apportionment of Delegates and Senators throughout the Commonwealth, so that the number of Delegates shall not at any time exceed one hundred and fifty, nor of the Senate thirty-six, provided the same shall be adopted by a majority of the whole number of the qualified voters.”

Mr. *Claiborne* moved a division of the question, so that it be first put upon striking out ; which was agreed to by the House.

And the question being put accordingly, was determined in the negative.—Ayes 42, Noes 53.

On motion of Mr. *Campbell of Brooke*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson,  
Briscoe G. Baldwin,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,

Messrs. John Baxter,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,

Messrs. William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,  
William Byars,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,

Messrs. Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
Samuel Claytor,  
James Saunders,  
Benj. W. S. Cabell,  
Archibald Stuart, jr.—42.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, (*Pres't.*)  
John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
William O. Goode,  
John Marshall,  
John Tyler,  
Phillip N. Nicholas,  
John B. Clopton,  
Chapman Johnson,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,  
Robert Stanard,  
Waller Holladay,  
John Roane,  
William P. Taylor,

Messrs. Richard Morris,  
James M. Garnett,  
John S. Barbour,  
John Scott,  
John W. Green,  
Thomas Marshall,  
Littleton W. Tagewell,  
George Loyall,  
Joseph Prentis,  
Hugh B. Grigsby,  
William Campbell,  
Samuel Branch,  
George Townes,  
Joseph Martin,  
James Pleasants,  
William F. Gordon,  
Lucas P. Thompson,  
Thomas Massie, jun.  
Fleming Bates,  
Augustine Neale,  
Alexander F. Rose,  
John Coalter,  
Thomas R. Joynes,  
Thomas M. Bayly,  
Abel P. Upshur,  
William K. Perrin.—53.

Mr. *Campbell* of *Washington* moved to amend Mr. *Madison's* proposition as amended, by striking out the words "two-thirds of each House concurring," and then adding the following, to wit: "Provided the same is adopted by a majority of the whole number of the qualified voters."

Mr. Giles moved a division of the question, and that it be first put upon striking out; which was agreed to by the House.

And the question being put accordingly, was determined in the negative.—Ayes 45, Noes 50.,

On motion of Mr. Boyd, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. William Anderson,	Messrs. Philip C. Pendleton,
Samuel Coffman,	John B. George,
Peachy Harrison,	Andrew M'Millan,
Jacob D. Williamson,	Edward Campbell,
Briscoe G. Baldwin,	William Byars,
Chapman Johnson,	Gordon Cloyd,
William M'Coy,	Henley Chapman,
Samuel M'D. Moore,	John P. Mathews,
Andrew Beirne,	William Oglesby,
William Smith,	Edwin S. Duncan,
Fleming B. Miller,	John Laidley,
John Baxter,	Lewis Summers,
Charles F. Mercer,	Adam See,
William H. Fitzhugh,	Charles S. Morgan,
Richard H. Henderson,	Alexander Campbell,
Joshua Osborne,	Eugenius M. Wilson,
John R. Cooke,	William Campbell,
Alfred H. Powell,	Samuel Claytor,
Thomas Griggs, jun.	James Saunders,
James M. Mason,	Benj. W. S. Cabell,
William Naylor,	Archibald Stuart, jun.
William Donaldson,	Lucas P. Thompson.—45.
Elisha Boyd,	

*And the names of the gentlemen who voted in the negative, are:*

Messrs. P. P. Barbour, (Pres't.)	Messrs. John Tyler,
John W. Jones,	Philip N. Nicholas,
Benjamin W. Leigh,	John B. Clopton,
Samuel Taylor,	John Y. Mason,
William B. Giles,	James Trezvant,
William H. Brodnax,	Augustine Claiborne,
George C. Dromgoole,	John Urquhart,
Mark Alexander,	John Randolph,
William O. Goode,	William Leigh,
John Marshall,	Richard Logan,

Messrs. Richard N. Venable,  
James Madison,  
Robert Stanard,  
Waller Holladay,  
John Roane,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
John S. Barbour,  
John Scott,  
John W. Green,  
Thomas Marshall,  
Littleton W. Tazewell,  
George Loyall,  
Joseph Prentis;

Messrs. Hugh B. Grigsby,  
Samuel Branch,  
George Townes,  
Joseph Martin,  
James Pleasants;  
William F. Gordon,  
Thomas Massie, jun.  
Fleming Bates,  
Augustine Neale,  
Alexander F. Ross,  
John Coalter,  
Thomas R. Joyner,  
Thomas M. Bayly,  
Abel P. Upshur,  
William K. Perrin.—50.

The question then recurred upon the adoption of the proposition submitted by Mr. *Madison*, and was determined in the affirmative. Ayes 50, Noes 45.

On motion of Mr. *Clayd*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Richard N. Venable,
John W. Jones,	James Madison,
Benjamin W. Leigh,	Robert Stanard,
Samuel Taylor,	Waller Holladay,
William B. Giles,	John R. Cooke,
William H. Brodnax,	Alfred H. Powell,
George C. Dromgoole,	Edward Campbell,
Mark Alexander,	John Roane,
William O. Goode,	William P. Taylor,
John Marshall,	James M. Garnett,
John Tyler,	John S. Barbour,
Philip N. Nicholas,	John W. Green,
John B. Clopton,	Thomas Marshall,
Chapman Johnson,	Littleton W. Tazewell,
John Y. Masen,	George Loyall,
James Trezvant,	Joseph Prentis,
Augustine Claiborne,	Hugh B. Grigsby,
John Urquhart,	Samuel Branch,
John Randolph;	George Townes,
William Leigh,	Joseph Martin,
Richard Logan,	James Pleasants,

Messrs. Thomas Massie, jun.	Messrs. John Coalter,
Fleming Bates,	Thomas R. Joynes,
Augustine Neale,	Thomas M. Bayly,
Alexander F. Rose,	William K. Perrin.—50.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. William Anderson,	Messrs. William Byars,
Samuel Coffin,	Richard Morris,
Peachy Harrison,	Gordon Cloyd,
Jacob D. Williamson,	Henley Chapman,
Briscoe G. Baldwin,	John P. Mathews,
William M'Coy,	William Oglesby,
Samuel M'D. Moore,	Edwin S. Duncan,
Andrew Beirne,	John Laidley,
William Smith,	Lewis Summers,
Fleming B. Miller,	Adam See,
John Baxter,	Charles S. Morgan,
Charles F. Mercer,	Alexander Campbell,
William H. Fitzhugh,	Eugenius M. Wilson,
Richard H. Henderson,	John Scott,
Joshua Osborne,	William Campbell,
Thomas Griggs, jun.	Samuel Claytor,
James M. Mason,	James Saunders,
William Naylor,	Benj. W. S. Cabell,
William Donaldson,	Archibald Stuart, jun.
Elisha Boyd,	William F. Gordon,
Philip C. Pendleton,	Lucas P. Thompson,
John B. George,	Abel P. Upshur.—45.
Andrew M'Millan,	

Mr. Cooke moved a re-consideration of the vote by which the fifth section had been introduced into the Constitution.

And the question being put thereupon, was determined in the negative.—Ayes 43, Noes 51.

On motion of Mr. Cooke, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, (Pres't.)	Messrs. William H. Brodnax,
John W. Jones,	George C. Drangoole,
Benjamin W. Leigh,	Mark Alexander,
Samuel Taylor,	John Marshall,
William B. Giles,	Jacob D. Williamson,



Messrs. William Smith,  
 Fleming B. Miller,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 James Madison,  
 Robert Stanard,  
 Waller Holladay,  
 John R. Cooke,  
 William Naylor,  
 William Donaldson,  
 Edward Campbell,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John P. Mathews,  
 John S. Barbour,

Messrs. John Scott,  
 John W. Green,  
 Thomas Marshall,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentiss,  
 Hugh B. Grigsby,  
 William Campbell,  
 James Saunders,  
 George Townes,  
 James Pleasants,  
 William F. Gordon,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Alexander F. Rose,  
 John Coakley.—43.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. John Tyler,  
 Philip N. Nicholas,  
 John B. Clopton,  
 William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Briscoe G. Baldwin,  
 Chapman Johnson,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 John Baxter,  
 John Y. Mason,  
 James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 Richard N. Venable,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 Elisha Boyd,  
 Philip C. Pendleton,

Messrs. John B. George,  
 Andrew M'Millan,  
 William Byars,  
 John Roune,  
 Gordon Cloyd,  
 Henley Chapman,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 Samuel Claytor,  
 Samuel Branch,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 Lucas P. Thompson,  
 Augustine Neale,  
 Thomas R. Jaynes,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—51.

Mr. *Clepton* moved to amend the fifteenth section of the amended Constitution, by striking out all after the word "Governor," in the second line, to the end, and insert as follows:

"And a Privy Council, or Council of State. The Governor shall be elected by joint vote of the two Houses of the General Assembly, and shall hold his office during the term of three years, to commence on the first day of January next succeeding his election, or on such other day as may from time to time be prescribed by law; and he shall be ineligible to that office for three years next after his term of service shall have expired. The Privy Council, or Council of State, shall consist of four members, and shall be elected by joint vote of the two Houses of the General Assembly, for the term of four years. They shall annually choose out of their own members, a Lieutenant-Governor, who, in case of the death, inability, or necessary absence of the Governor from the Government, shall discharge the duties of Governor. The Governor shall be President of the Council, and shall, in all cases of division, have the casting vote. At the first election, the two Houses of the General Assembly shall, by joint resolution, divide the persons elected into two classes. The seats of the members of the first class shall be vacated at the end of the second year; and of those of the second class, at the expiration of the fourth year; so that one half may be elected every second year: And if vacancies happen by resignation or otherwise, they shall be filled by joint vote of the two Houses of the General Assembly. Two members, with the Governor or Lieutenant Governor, as the case may be, shall be sufficient to act; and their advice and proceedings shall be entered of record, and signed by the members present, (to any part whereof any member may enter his dissent,) to be laid before the General Assembly when called for by them."

And the question being put upon the adoption of the proposed amendment, was determined in the negative.—Ayes 45, Noes 49.

On motion of Mr. *Wilson*, (seven of the members present concurring.)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Mark-Alexander,
John W. Jones,	William O. Goode,
Benjamin W. Leigh,	John Marshall,
Samuel Taylor,	Philip N. Nicholas,
William B. Giles,	John B. Clepton,
William H. Brodnax,	Chapman Johnson,
George C. Dromgoole,	John Y. Mason,

Messrs. James Trezvant,  
 Augustine Claiborne,  
 John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 James Madison,  
 Robert Stanard,  
 Walter Holladay,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John S. Barbour,  
 John W. Green,

Messrs. Thomas Marshall,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentiss,  
 Hugh B. Grigsby,  
 Samuel Branch,  
 James Pleasant,  
 William F. Gordon,  
 Thomas Massee, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Abel P. Upsher,  
 William K. Perrin.—45.

*And the names of the gentlemen who voted in the negative, are:*

Messrs. John Tyler,  
 William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob D. Williamson,  
 Briscoe G. Baldwin,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 William Naylor,  
 William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,

Messrs. Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Egeuius M. Wilson,  
 John Scott,  
 William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 George Townes,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 Lucas P. Thompson,  
 Thomas R. Joynes,  
 Thomas M. Bayly.—49.

Mr. *Summers* moved that the House take up and consider a proposition heretofore submitted by him, and laid upon the table.

And the question being put thereupon, was determined in the negative.—Ayes 38, Noes 57.

On motion of Mr. Barbour of Culpeper, (seven of the members present concurring;)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

<b>Messrs.</b> P. P. Barbour, ( <i>Pres't.</i> )	<b>Messrs.</b> Edward Campbell,
William B. Giles,	William Byars,
William H. Brodnax,	John Roane,
George C. Dromgoole,	William P. Taylor,
Mark Alexander,	Henley Chapman,
William O. Goode,	John P. Mathews,
William Anderson,	William Oglesby,
William M'Coy,	Edwin S. Duncan,
William Smith,	John Laidley,
Fleming B. Miller,	Lewis Summers,
John Baxter,	Adam See,
John Y. Mason,	Charles S. Morgan,
James Trezvant,	Alexander Campbell,
Augustine Claiborne,	Eugenius M. Wilson,
John Randolph,	William Campbell,
Richard N. Venable,	Benj. W. S. Cabell,
James Madison,	Joseph Martin,
John B. George,	Thomas M. Bayly,
Andrew M'Millan,	Abel P. Upshur.—38.

*And the names of the gentlemen who voted in the negative, are :*

<b>Messrs.</b> John W. Jones,	<b>Messrs.</b> Richard Logan,
Benjamin W. Leigh,	Robert Stanard,
Samuel Taylor,	Waller Holladay,
John Marshall,	Charles F. Mercer,
John Tyler,	William H. Fitzhugh,
Philip N. Nicholas,	Richard H. Henderson,
John B. Clopton,	Joshua Osborne,
Samuel Coffman,	John R. Cooke,
Peachy Harrison,	Alfred H. Powell,
Jacob D. Williamson,	Thomas Griggs, jun.
Briscoe G. Baldwin,	James M. Mason,
Chapman Johnson,	William Naylor,
Samuel M'D. Moore,	William Donaldson,
Andrew Beirne,	Elisha Boyd,
John Urquhart,	Philip C. Pendleton,
William Leigh,	Richard Morris,

Messrs. James M. Garnett,  
 Gordon Cloyd,  
 John S. Barbour,  
 John Scott,  
 John W. Green,  
 Thomas Marshall,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentiss,  
 Hugh B. Grigsby,  
 Samuel Claytor,  
 James Saunders,  
 Samuel Branch,

Messrs. George Townes,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joynes,  
 William K. Perrin.—57.

Mr. *Clopton* moved to amend the twentieth section of the amended Constitution, by striking out the same, and inserting in lieu thereof, the following :

“ There shall be a Council of State, to consist of three members, any one or more of whom may act. They shall be elected by joint vote of both Houses of the General Assembly, and remain in office three years. But of those first elected, one, to be designated by lot, shall remain in office for one year only, and one other, to be designated in like manner, shall remain in office for two years only. Vacancies occurring by expiration of the term of service, or otherwise, shall be supplied by elections made in like manner. The Governor shall, before he exercises any discretionary power conferred on him by the Constitution and laws, require the advice of the Council of State, which advice shall be registered in books kept for that purpose, signed by the members present and consenting thereto, and laid before the General Assembly when called for by them. The Council shall appoint their own Clerk, who shall take an oath to keep secret such matters as he shall be ordered by the Board to conceal. The Senior Councillor shall be Lieutenant Governor, and in case of the death, resignation, inability or absence of the Governor from the seat of government, shall act as Governor.”

And the question being put thereupon, was determined in the affirmative.—Ayes 51, Noes 44.

On motion of Mr. *Leigh* of *Chesterfield*; (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Samuel Taylor,
John W. Jones,	William B. Giles,
Benjamin W. Leigh,	William H. Brodnax,

**Messrs. George C. Dromgoole, Messrs. James M. Garnett,**  
 Mark Alexander, John S. Barbour,  
 William O. Goode, John Scott,  
 John Marshall, John W. Green,  
 John Tyler, Thomas Marshall,  
 Philip N. Nicholas, Littleton W. Tazewell,  
 John B. Clopton, George Loyall,  
 Chapman Johnson, Joseph Prentis,  
 John Y. Mason, Hugh B. Grigsby,  
 James Trezvant, Samuel Branch,  
 Augustine Claiborne, George Townes,  
 John Urquhart, Joseph Martin,  
 John Randolph, James Pleasants,  
 William Leigh, William F. Gordon,  
 Richard Logan, Thomas Massie, jun.  
 Richard N. Venable, Fleming Bates,  
 James Madison, Augustine Neale,  
 Robert Stanard, Alexander F. Rose,  
 Waller Holladay, John Coalter,  
 John R. Cooke, Thomas R. Joynes,  
 John Roane, Abel P. Upshur,  
 William P. Taylor, William K. Perrin.—51.  
 Richard Morris,

*And the names of the gentlemen who voted in the negative, are:*

**Messrs. William Anderson, Messrs. John B. George,**  
 Samuel Coffman, Andrew M'Millan,  
 Peachy Harrison, Edward Campbell,  
 Jacob D. Williamson, William Byars,  
 Briscoe G. Baldwin, Gordon Cloyd,  
 William M'Coy, Henley Chapman,  
 Samuel M'D. Moore, John P. Mathews,  
 Andrew Beirne, William Oglesby,  
 William Smith, Edwin S. Duncan,  
 Fleming B. Miller, John Laidley,  
 John Baxter, Lewis Summers,  
 Charles F. Mercer, Adam See,  
 William H. Fitzhugh, Charles S. Morgan,  
 Richard H. Henderson, Alexander Campbell,  
 Joshua Osborne, Eugenius M. Wilson,  
 Alfred H. Powell, William Campbell,  
 Thomas Griggs, jun. Samuel Claytor,  
 James M. Mason, James Saunders,  
 William Naylor, Benj. W. S. Cabell,  
 William Donaldson, Archibald Stuart, jun.  
 Elisha Boyd, Lucas P. Thompson,  
 Philip C. Pendleton, Thomas M. Bayly.—44.

Mr. *Marshall* moved to amend the eighth section of the amended Constitution, by striking out after the word "Delegates," in the third line, the following: "except money bills, which in no instance shall be altered by the Senate, but wholly approved or rejected."

And the question being put upon agreeing to the proposed amendment, was determined in the affirmative.—Ayes 49; Noes 46.

Mr. *Campbell of Brooke* moved to amend the first section of the amended Constitution, by striking out the same, and inserting the following in lieu thereof:

"The Legislative, Executive and Judiciary Departments, shall be distinct and separate; so that no one of them shall exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than any one of them at the same time. Justices of the County Courts shall, however, be eligible to either House of Assembly."

Mr. *Campbell of Brooke* moved to amend the second section, by striking it out, and inserting the following:

"The Legislature shall consist of two distinct Houses."

Mr. *Campbell of Brooke* moved to amend the ninth section, by striking out the words "no Senator or Delegate," and inserting "no Senator nor Delegate."

Mr. *Campbell of Brooke* moved to amend the eleventh section, by striking out the same, and inserting the following:

"The Legislature shall not pass any bill of attainder; any *ex post facto* law; any law impairing the obligation of contracts; any law whereby private property shall be taken for public uses, without just compensation; nor any law abridging the freedom of Speech or of the Press."

Mr. *Campbell of Brooke* moved to amend the thirteenth section, by striking out the same, and inserting the following:

"The right of suffrage shall not be exercised by any person of unsound mind, or who shall be a pauper, or a non-commissioned officer, soldier, seaman or marine, in the service of the United States, nor by any person convicted of any infamous offence."

Mr. *Campbell of Brooke* moved to amend the twenty-first section, by striking out the same, and inserting the following:

"The manner of appointing militia officers shall be prescribed by law."

Mr. *Campbell of Brooke* moved to amend the twenty-seventh section, by striking out the same, and inserting the following:

"When vacancies shall occur in any county, or it shall for any cause be deemed necessary to increase the number of Justices of the Peace, appointments shall be made by the Governor, on the recommendation of the Court of such county."

Mr. *Campbell of Brooke* moved to amend the thirty-second section, by striking out the same, and inserting the following:

"The Declaration of immutable Rights, as the basis and foundation of civil Government, made on the 12th June, 1776, by the Representatives of the good people of Virginia, in full and free Convention."

And questions being severally put upon the proposed amendments, were determined in the negative.

Mr. *Thompson* submitted the following, as an additional section, to be introduced into the amended Constitution :

"The privilege of the writ of *Habeas Corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension."

Mr. *Randolph* suggested the propriety of striking out these words : "unless when, in cases of rebellion or invasion, the public safety may require its suspension ;" which was accepted by the mover.

The question was then put upon the adoption of the said proposition as amended, and determined in the affirmative.—Ayes 61, Noes 34.

Mr. *Green* submitted the following, as an additional section, to be introduced into the amended Constitution :

"The whole number of members to which the State may at any time be entitled in the House of Representatives of the United States, shall be apportioned as nearly as may be, amongst the several counties, cities, boroughs and towns of the State, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons."

And the question being put thereupon, was determined in the affirmative.—Ayes 60, Noes 35.

On motion of Mr. *Scott*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John Tyler,
John W. Jones,	Philip N. Nicholas,
Benjamin W. Leigh,	John B. Clopton,
Samuel Taylor,	Chapman Johnson,
William B. Giles,	William M'Coy,
William H. Brodnax,	Samuel M'D. Moore,
George C. Dromgoole,	Andrew Beirne,
Mark Alexander,	John Y. Mason,
William O. Goode,	James Trezvant,
John Marshall,	Augustine Claiborne,



Messrs. John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 James Madison,  
 Robert Stanard,  
 Waller Holladay,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John S. Barbour,  
 John Scott,  
 John W. Green,  
 Thomas Marshall,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,  
 Hugh B. Grigsby,

Messrs. William Campbell,  
 Samuel Claytor,  
 James Saunders,  
 Samuel Branch,  
 George Townes,  
 Benj. W. S. Cabell,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—60.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob D. Williamson,  
 Briscoe G. Baldwin,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Charles F. Mercer,  
 William H. Fitzbugh,  
 Richard H. Henderson,  
 Joshua Osborne,  
 John R. Cooke,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,

Messrs. Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson—35.

Mr. *Chapman* moved to amend the twenty-sixth section of the amended Constitution, by adding the following :

“ Provided the said Judges continue to hold such Courts, and perform such duties as shall be assigned them by law ; but if any Judge shall fail to hold any such Court, or perform such duties,

except from sickness, or other cause beyond his controul, a deduction may be made from his salary : and such deduction shall bear the same proportion to his whole salary, that the services unperformed would bear to the whole services required to be performed : and the Legislature shall make provision by law to ascertain the amount of the deduction proper to be made in any such case."

And the question being put thereupon, was determined in the negative.—Ayes 8, Noes 87.

On motion of Mr. *Chapman*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John B. George,	Messrs. Henley Chapman,
Andrew M'Millan,	William Oglesby,
Edward Campbell,	William Campbell,
William Byars,	Benj. W. S. Cabell.—8.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John Baxter,
John W. Jones,	John Y. Mason,
Benjamin W. Leigh,	James Trezvant,
Samuel Taylor,	Augustine Chaborne,
William B. Giles,	John Urquhart,
William H. Brodnax,	John Randolph,
George C. Dromgoole,	William Leigh,
Mark Alexander,	Richard Logan,
William O. Goode,	Richard N. Venable,
John Marshall,	James Madison,
John Tyler,	Robert Stanard,
Philip N. Nicholas,	Waller Holladay,
John B. Clopton,	Charles F. Mercer,
William Anderson,	William H. Fitzhugh,
Samuel Coffman,	Richard H. Henderson,
Peachy Harrison,	Joshua Osborne,
Jacob D. Williamson,	John R. Cooke,
Briscoe G. Baldwin,	Alfred H. Powell,
Chapman Johnson,	Thomas Griggs, jun.
William M'Coy,	James M. Mason,
Samuel M'D. Moore,	William Naylor,
Andrew Beirne,	William Donaldson,
William Smith,	Elisha Boyd,
Fleming B. Miller,	Philip C. Pendleton,

Messrs. John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garrett,  
 Gordon Cloyd,  
 John P. Mathews,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 John S. Barbour,  
 John Scott,  
 John W. Green,  
 Thomas Marshall,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentiss,

Messrs. Hugh B. Grigsby,  
 Samuel Claylor,  
 James Saunders,  
 Samuel Branch,  
 George Townes,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—87.

Mr. *Cooke* moved to amend the amended Constitution, by adding to the thirty-first section thereof as follows :

“It shall be the duty of the Executive Department of the existing Government, so soon as all the returns required by the twentieth section of the act of the General Assembly, entitled, “An act to organize a Convention,” shall have been made, if it shall appear that a majority of all the votes given is for ratifying this amended Constitution, forthwith to make proclamation of the fact.

“And it shall moreover be the duty of the Executive Department, in and by such proclamation, to command the Sheriffs and other officers directed by law to hold and superintend elections, under the penalty of                    dollars for failing to obey such command, to open polls in their respective counties, cities, towns and boroughs, and in the election districts established by law in their respective counties, on the                    , for the election of a Delegate or Delegates, as the case may be, to represent the counties, towns, boroughs and districts, respectively, mentioned and described in the third article of this Constitution, and of a Senator to represent each of the Senatorial Districts described in the fourth article.

“So soon as the said election of Delegates and Senators shall have been made, the previously existing Senate and House of Delegates, elected under the old Constitution, shall cease to have legal and Constitutional existence.

“Should any of the contingencies herein before mentioned, render it necessary or proper to convene a General Assembly, after

such election shall have been made, and before the time herein after appointed for the first regular annual meeting of the General Assembly under this amended Constitution, the new General Assembly shall be convened by the Executive Department holding its power and authority under the old Constitution.

"The first regular General Assembly under this amended Constitution, shall convene and assemble at the Capitol, in the city of Richmond, on the

"The powers and duties of the Executive Department under the old Constitution, shall cease and determine, and those of the Executive Department under the new Constitution, shall commence, as soon as may be after the commencement of the first regular session of the General Assembly elected under the new Constitution.

"All officers, whether civil or military, holding their offices under the old Constitution, whose cases are not herein provided for, shall continue to hold their offices under the new Constitution, by the same tenure, and for the same time, as under the old Constitution.

"All the Courts of Justice now existing in this Commonwealth shall continue, with the same jurisdiction as heretofore, until the said Courts shall have been modified or abolished, or the jurisdiction thereof modified or taken away, by an act or acts of the General Assembly, made under the restrictions and limitations herein before provided."

And then, on motion of Mr. *Johnson*, the Convention adjourned until to-morrow, eleven o'clock.

WEDNESDAY, JANUARY 13, 1830.

The Convention met pursuant to adjournment.

Mr. *Cooke's* propositions in addition to the thirty-first section of the amended Constitution, were taken up by the House; the second clause whereof was read as follows:

"And it shall moreover be the duty of the Executive Department, in and by such proclamation, to command the Sheriffs and other officers directed by law to hold and superintend elections, under penalty of                    dollars for failing to obey such command, to open polls in their respective counties, cities, towns and boroughs, and in the election districts established by law in their respective counties, on the                    for the election of a Delegate or Delegates, as the case may be, to represent the counties, towns, boroughs and districts respectively, mentioned and described in the third arti-

che of this Constitution, and of a Senator to represent each of the Senatorial Districts described in the fourth article."

Mr. *Cooke* moved to fill the blank therein with the words "five thousand."

Mr. *Wilson* moved to fill the blank with the words "one thousand."

And the question being put upon the first proposition, was determined in the affirmative.

Mr. *Cooke* moved to fill the other blank in the same clause, with the words "first Monday in November, in the present year."

Mr. *Bayly* moved to fill the blank with the words "respective Court days in the month of October."

The question was first put upon Mr. *Cooke's* motion to fill the blank, and was determined in the negative.—Ayes 42, Noes 42.

Mr. *Claytor* then moved to fill the blank with the words "respective Court days in the month of November next."

Mr. *Scott* moved that the month be left blank, which was agreed to by the House.

Mr. *Bayly* then moved to fill the blank with the word "October."

Mr. *Claytor* moved to fill the blank with the word "November."

And the question being put upon the last proposition, it was agreed to by the House.

The fifth clause of Mr. *Cooke's* proposed amendment, was then read as follows :

"The first regular General Assembly under this amended Constitution, shall convene and assemble at the Capitol, in the city of Richmond, on the ."

Mr. *Cooke* moved to fill the blank therein, with the words "first Monday in January, in the year 1831."

And the question being put thereupon, was agreed to by the House.

Mr. *Wilson* moved that the several amendments proposed by Mr. *Cooke*, to the thirty-first section of the amended Constitution, be read, clause by clause, and that the question be put upon each : which was agreed to by the House.

Mr. *Powell* moved to amend the said first clause, by striking out the same, and inserting as follows :

"Resolved, that a copy of the amended Constitution be presented to the General Assembly, now in session, and that the General Assembly be requested to provide by law for carrying the same into operation : provided said amended Constitution should be adopted by the qualified voters of the Commonwealth, under the amended Constitution."

Mr. *Stanard* moved that Mr. *Cooke's* propositions, together with the proposed amendment, be laid upon the table.

Whereupon Mr. *Cooke* withdrew his said propositions.

Mr. *Cooke* then moved to amend the amended Constitution, by striking out the first section thereof.

And the question being put thereupon, was determined in the negative.

Mr. Campbell of Bedford moved to amend the twenty-ninth section of the amended Constitution, by striking out of the first line thereof, the word "concurrent," and inserting in lieu thereof, the word "joint."

And the question being put upon agreeing to the proposed amendment, was determined in the negative.—Ayes 22, Noes 73.

On motion of Mr. Campbell of Bedford, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
John Baxter,  
John B. George,  
Andrew M'Millan,

Messrs. William Byars,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Adam See,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
William Campbell,  
James Saunders,  
Benj. W. S. Cabell.—22.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, (Pres't.)	Messrs. Augustine Claiborne,
John W. Jones,	John Urquhart,
Benjamin W. Leigh,	John Randolph,
Samuel Taylor,	William Leigh,
William B. Giles,	Richard Logan,
William H. Brodnax,	Richard N. Venable,
George C. Dromgoole,	James Madison,
Mark Alexander,	Robert Stanard,
William O. Goode,	Waller Holladay,
John Marshall,	Charles F. Mercer,
John Tyler,	William H. Fitzhugh,
Philip N. Nicholas,	Richard H. Henderson,
John B. Clopton,	Joshua Osborne,
Briscoe G. Baldwin,	John R. Cooke,
Chapman Johnson,	Alfred H. Powell,
Fleming B. Miller,	Thomas Griggs, jun.
John Y. Mason,	James M. Mason,
James Trezvant,	William Naylor,

Messrs. William Donaldson,  
 Elisha Boyd,  
 Philip C. Pendleton,  
 Edward Campbell,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 Gordon Cloyd,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 John S. Barbour,  
 John Scott,  
 John W. Green,  
 Thomas Marshall,  
 Littleton W. Tazewell,  
 George Loyall,  
 Joseph Prentis,

Messrs. Hugh B. Grigsby,  
 Samuel Claytor,  
 Samuel Branch,  
 George Townes,  
 Joseph Martin,  
 Archibald Stuart, jun.  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joyney,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—73.

Mr. *Cabell* moved to amend the twenty-third section of the amended Constitution, by adding as follows :

“No modification or abolition of any Court, shall be construed to deprive any Judge of his office ; but such Judge shall perform any Judicial duties which the Legislature shall assign him ; but if no Judicial duties are assigned him by the Legislature, he shall receive no salary in virtue of such office.”

Mr. *Scott* moved to amend the said amendment, by inserting after the word “office,” the following words : “unless such Court be abolished by the concurrence of two-thirds of the General Assembly.”

Mr. *Claytor* moved a division of the question : whereupon, Mr. *Cabell*, with the leave of the House, withdrew his proposed amendment.

Mr. *Scott* then proposed the following, as an additional section of the amended Constitution :

“No law abolishing any Court shall be construed to deprive the Judge thereof of his office, unless two-thirds of the members of each House present concur in the passage thereof ; but the Legislature may assign other duties to the Judges of Courts abolished by any law enacted by less than two-thirds of the members of each House present.”

And the question being put upon the adoption of the said proposition, was determined in the affirmative.—Ayes 53, Noes 42.

On motion of Mr. *Cabell*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John W. Jones,	Messrs. Alfred H. Powell,
Benjamin W. Leigh,	Thomas Griggs, jun.
Samuel Taylor,	James M. Mason,
William H. Brodnax,	William Naylor,
George C. Dromgoole,	William Donaldson,
Mark Alexander,	Elisha Boyd,
John Marshall,	Philip C. Pendleton,
Philip N. Nicholas,	William P. Taylor,
John B. Clopton,	Richard Morris,
Briscoe G. Baldwin,	James M. Garnett,
Chapman Johnson,	John S. Barbour,
Fleming B. Miller,	John Scott,
John Y. Mason,	John W. Green,
James Trezvant,	Thomas Marshall,
Augustine Claiborne,	Joseph Prentis,
John Urquhart,	Samuel Branch,
John Randolph,	George Townes,
William Leigh,	William F. Gordon,
Richard Logan,	Thomas Massie, jun.
Richard N. Venable,	Fleming Bates,
James Madison,	Augustine Neale,
Robert Stanard,	Alexander F. Rose,
Waller Holladay,	John Coalter,
Charles F. Mercer,	Thomas R. Joynes,
William H. Fitzhugh,	Abel P. Upshur,
Richard H. Henderson,	William K. Perrin.—53.
John R. Cooke,	

*And the names of the gentlemen who voted in the negative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. Andrew M'Millan,
William B. Giles,	Edward Campbell,
William O. Goode,	William Byars,
John Tyler,	John Roane,
William Anderson,	Gordon Cloyd,
Samuel Coffman,	Henley Chapman,
Peachy Harrison,	John P. Mathews,
Jacob D. Williamson,	William Oglesby,
William M'Coy,	Edwin S. Duncan,
Samuel M'D. Moore,	John Laidley,
Andrew Beirne,	Lewis Summers,
William Smith,	Adam See,
John Baxter,	Charles S. Morgan,
Joshua Osborne,	Alexander Campbell,
John B. George,	Eugenius M. Wilson,



Messrs. Littleton W. Tazewell,	Messrs. Benj. W. S. Cabell,
George Loyall,	Joseph Martin,
Hugh B. Grigsby,	Archibald Stuart, jun.
William Campbell,	James Pleasants,
Samuel Claytor,	Lucas P. Thompson,
James Saunders,	Thomas M. Bayly.—42.

Mr. *Cabell* then renewed his motion to amend the twenty-third section of the amended Constitution, by adding :

“No modification or abolition of any Court, shall be construed to deprive any Judge of his office ; but such Judge shall perform any judicial duties which the Legislature shall assign him ; but if no judicial duties are assigned him by the Legislature, he shall receive no salary in virtue of such office.”

And the question being put upon agreeing to the proposed amendment, was determined in the negative.—Ayes 43, Noes 52.

On motion of Mr. *Morgan*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. John P. Mathews,
William B. Giles,	William Oglesby,
William O. Goode,	Edwin S. Duncan,
John Tyler,	John Laidley,
William Anderson,	Lewis Summers,
Samuel Coffman,	Adam See,
Peachy Harrison,	Charles S. Morgan,
Jacob D. Williamson,	Alexander Campbell,
William M'Coy,	Eugenius M. Wilson,
Samuel M'D. Moore,	Littleton W. Tazewell,
Andrew Beirne,	George Loyall,
William Smith,	Hugh B. Grigsby,
John Baxter,	William Campbell,
Joshua Osbornè,	Samuel Claytor,
William Donaldson,	James Saunders,
John B. George,	Benj. W. S. Cabell,
Andrew M'Millan,	Joseph Martin,
Edward Campbell,	Archibald Stuart, jun.
William Byars,	James Pleasants,
John Roane,	Lucas P. Thompson,
Gordon Cloyd,	Thomas M. Bayly.—43.
Henley Chapman,	

*And the names of the gentlemen who voted in the negative, are:*

Messrs. John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,  
William H. Brodnax,  
George C. Dromgoole,  
Mark Alexander,  
John Marshall,  
Philip N. Nicholas,  
John B. Clopton,  
Briscoe G. Baldwin,  
Chapman Johnson,  
Fleming B. Miller,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
James Madison,  
Robert Stanard,  
Waller Holladay,  
Charles F. Mercer,  
William H. Fitzhugh,  
Richard H. Henderson,

Messrs. John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
Elisha Boyd,  
Philip C. Pendleton,  
William P. Taylor,  
Richard Morris,  
James M. Garnett,  
John S. Barbour,  
John Scott,  
John W. Green,  
Thomas Marshall,  
Joseph Prentis,  
Samuel Branch,  
George Townes,  
William F. Gordon,  
Thomas Massie, jun.  
Fleming Bates,  
Augustine Neale,  
Alexander F. Rose,  
John Coaker,  
Thomas R. Joynes,  
Abel P. Upshur,  
William K. Perrin.—52.

The question was then put upon engrossing the amended Constitution, for a third reading thereof, and was determined in the affirmative.—Ayes 53, Noes 42.

On motion of Mr. Henderson, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are:*

Messrs. P. P. Barbour, ( <i>Pres't.</i> )	Messrs. William O. Goode,
John W. Jones,	John Marshall,
Benjamin W. Leigh,	John Tyler,
Samuel Taylor,	Philip N. Nicholas,
William B. Giles,	John B. Clopton,
William H. Brodnax,	John Y. Mason,
George C. Dromgoole,	James Trezvant,
Mark Alexander,	Augustine Claiborne,

Messrs. John Urquhart,  
 John Randolph,  
 William Leigh,  
 Richard Logan,  
 Richard N. Venable,  
 James Madison,  
 Waller Holladay,  
 Richard H. Henderson,  
 John R. Cooke,  
 John Roane,  
 William P. Taylor,  
 Richard Morris,  
 James M. Garnett,  
 John S. Barbour,  
 John Scott,  
 John W. Green,  
 Thomas Marshall,  
 Littleton W. Tazewell,  
 George Loyall,

Messrs. Joseph Prentiss,  
 Hugh B. Grigsby,  
 William Campbell,  
 Samuel Branch,  
 George Townes,  
 Joseph Martin,  
 James Pleasants,  
 William F. Gordon,  
 Lucas P. Thompson,  
 Thomas Massie, jun.  
 Fleming Bates,  
 Augustine Neale,  
 Alexander F. Rose,  
 John Coalter,  
 Thomas R. Joynes,  
 Thomas M. Bayly,  
 Abel P. Upshur,  
 William K. Perrin.—53.

*And the names of the gentlemen who voted in the negative, are :*

Messrs. William Anderson,  
 Samuel Coffman,  
 Peachy Harrison,  
 Jacob D. Williamson,  
 Briscoe G. Baldwin,  
 Chapman Johnson,  
 William M'Coy,  
 Samuel M'D. Moore,  
 Andrew Beirne,  
 William Smith,  
 Fleming B. Miller,  
 John Baxter,  
 Robert Stanard,  
 Charles F. Mercer,  
 William H. Fitzhugh,  
 Joshua Osborne,  
 Alfred H. Powell,  
 Thomas Griggs, jun.  
 James M. Mason,  
 William Naylor,  
 William Donaldson,

Messrs. Elisha Boyd,  
 Philip C. Pendleton,  
 John B. George,  
 Andrew M'Millan,  
 Edward Campbell,  
 William Byars,  
 Gordon Cloyd,  
 Henley Chapman,  
 John P. Mathews,  
 William Oglesby,  
 Edwin S. Duncan,  
 John Laidley,  
 Lewis Summers,  
 Adam See,  
 Charles S. Morgan,  
 Alexander Campbell,  
 Eugenius M. Wilson,  
 Samuel Claytor,  
 James Saunders,  
 Benj. W. S. Cabell,  
 Archibald Stuart, jr.—42.

And then the Convention Resolved, that the said Constitution, when engrossed, be read a third time to-morrow.

**Mr. Fitzhugh**, from the committee appointed to enquire into the compensation proper to be allowed the officers of the Convention, presented a further report, which was read as follows :

Resolved, that the sum of fifty dollars be allowed *Joseph Jackson*, for his extra services in preparing statistical tables for the use of the Convention."

On motion of *Mr. Giles*,

Ordered, that the said report be laid upon the table.

*Mr. Clopton* then submitted the following resolution :

Resolved, that a committee be appointed to superintend the engrossing of the draft of a Constitution reported by the Select Committee, together with the amendments and additional articles since adopted by the Convention ; with instructions, that in the performance of that duty, they shall distribute the provisions thereof into articles, or such other divisions or parts, as to them shall seem most appropriate ; which was adopted by the House.

And then it was Ordered, that a committee of three be appointed in conformity with the said resolution ; and that Messrs. *Clopton*, *Powell* and *Fitzhugh*, compose the said committee.

*Mr. Giles* moved, that when this House adjourns, it adjourn until to-morrow, twelve o'clock.

And the question being put thereupon, was agreed to by the House.

And then, on motion of *Mr. Claiborne*, the Convention adjourned until to-morrow, twelve o'clock.

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#### THURSDAY, JANUARY 14, 1830.

The Convention met pursuant to adjournment.

On motion of *Mr. Randolph*, the House agreed to a recess until two o'clock.

The Convention met at two o'clock ; and on motion of *Mr. Powell*, the House agreed to a recess until seven o'clock, P. M.

The House convened at seven o'clock ; when *Mr. Clopton*, from the committee appointed to distribute (the provisions of a draft of a Constitution, reported by the Select Committee, together with the amendments and additional articles since adopted by the Convention,) into articles, or such other divisions or parts, as to them shall seem most appropriate, and to superintend the engrossing thereof, reported, that they had performed the duty assigned them ; and he then delivered in the said amended Constitution at the Secretary's table.

The engrossed amended Constitution was then taken up, and read a third time.

And the question being put upon its passage, was determined in the affirmative.—Ayes 55, Noes 40.

On motion of Mr. *M' Coy*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

<b>Messrs.</b> P. P. Barbour, ( <i>Pres't.</i> )	<b>Messrs.</b> James M. Garnett,
John W. Jones,	John S. Barbour,
Benjamin W. Leigh,	John Scott,
Samuel Taylor,	John W. Green,
William B. Giles,	Thomas Marshall,
William H. Brodnax,	Littleton W. Tazewell,
George C. Dromgoole,	George Loyall,
Mark Alexander,	Joseph Prentis,
William O. Goode,	Hugh B. Grigsby,
John Marshall,	William Campbell,
John Tyler,	Samuel Branch,
Philip N. Nicholas,	George Townes,
John B. Clopton,	Benj. W. S. Cabell,
John Y. Mason,	Joseph Martin,
James Trezvant,	Archibald Stuart, jun.
Augustine Claiborne,	James Pleasants,
John Urquhart,	William F. Gordon,
John Randolph,	Lucas P. Thompson,
William Leigh,	Thomas Massie, jun,
Richard Logan,	Fleming Bates,
Richard N. Venable,	Augustine Neale,
James Madison,	Alexander F. Rose,
Waller Holladay,	John Coalter,
Richard H. Henderson,	Thomas R. Joynes,
John R. Cooke,	Thomas M. Bayly,
John Roane,	Abel P. Upshur,
William P. Taylor,	William K. Perrin—55.
Richard Morris,	

*And the names of the gentlemen who voted in the negative, are :*

<b>Messrs.</b> William Anderson,	<b>Messrs.</b> Samuel M'D. Moore,
Samuel Coffman,	Andrew Beirne,
Peachy Harrison,	William Smith,
Jacob D. Williamson,	Fleming B. Miller,
Briscoe G. Baldwin,	John Baxter,
Chapman Johnson,	Robert Stanard,
William M'Coy,	Charles F. Mercer,

<p>Messrs. William H. Fitzhugh,          Joshua Osborne,          Alfred H. Powell,          Thomas Griggs, jun.          James M. Mason,          William Naylor,          William Donaldson,          Elisha Boyd,          Philip C. Pendleton,          John B. George,          Andrew M'Millan,          Edward Campbell,          William Byars,</p>	<p>Messrs. Gordon Cloyd,          Henley Chapman,          John P. Mathews,          William Oglesby,          Edwin S. Duncan,          John Laidley,          Lewis Summers,          Adam See,          Charles S. Morgan,          Alexander Campbell,          Eugenius M. Wilson,          Samuel Claytor,          James Saunders.—40.</p>
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On motion of Mr. *Joynes*,

Ordered, that a committee of three be appointed to superintend the enrolment of the amended Constitution, just adopted by the Convention; and that Messrs. *Joynes*, *Scott* and *Cooke*, compose the said committee.

Mr. *Powell* moved, that the amended Constitution, just adopted by the Convention, be authenticated by the signature of the President of the Convention, and attested by the Secretary.

Mr. *Scott* moved to amend the said proposition, by adding, "that the same be signed by such members of the Convention, as may be so disposed."

And the question being put upon agreeing to the proposed amendment, was determined in the affirmative.

Mr. *Joynes* offered the following resolution:

Resolved, that ten thousand copies of the Bill of Rights, and Constitution this day adopted, be printed for the use of the members of this Convention; and that the Secretary be directed to furnish five copies thereof to each of the members of the General Assembly.

And the question being put upon the adoption of the said resolution, was determined in the affirmative.

Mr. *Cabell* moved a re-consideration of the vote by which the House had agreed to the amendment proposed by Mr. *Scott* to the proposition offered by Mr. *Powell*:

And the question being put thereupon, was determined in the affirmative.

Mr. *Claytor* moved to amend the said proposition as amended, by striking out the words "that the same be signed by such members of the Convention, as may be so disposed."

On motion of Mr. *Stanard*,

Ordered, that the proposition as amended, together with the proposed amendment, be laid upon the table.

And the question being put thereupon, was determined in the affirmative.

Mr. *Leigh* of *Chesterfield* presented an account of *George R. Myers*, for articles furnished for the use of the Convention, amounting to \$ 17. 25 ; which on his motion, was ordered to be certified for payment.

Mr. *Fitzhugh* called up the report made by him on yesterday, from the committee appointed to enquire into and report on the compensation proper to be allowed the officers of the Convention ; which was agreed to by the House.

And upon the question being put thereupon, was agreed to by the House.

On motion of Mr. *Henderson*,

Ordered, that leave of absence from the service of the Convention, for the remainder of the session, be granted to Mr. *Moser*, from this night.

On motion of Mr. *Leigh* of *Chesterfield*, the Convention adjourned until to-morrow, eleven o'clock.

## FRIDAY, JANUARY 15, 1830.

The Convention met pursuant to adjournment.

Mr. *Joynes*, from the committee appointed to superintend the enrolment of the amended Constitution, reported that the committee had performed the duty assigned them, and found the said Constitution duly enroled upon parchment.

Mr. *Randolph* offered the following resolution :

Resolved, that the amended Constitution adopted by this Convention, be submitted on the respective election days in the month of April next, to the persons qualified to vote under the existing Constitution for members of the General Assembly.

And the question being put upon the adoption of the said resolution, was determined in the negative.—Ayes 28, Noes 66.

On motion of Mr. *Moore*, (seven of the members present concurring,)

Ordered, that the Ayes and Noes upon the said question be inserted in the Journal.

*The names of the gentlemen who voted in the affirmative, are :*

Messrs. John W. Jones,  
Benjamin W. Leigh,  
Samuel Taylor,

Messrs. William B. Giles,  
William H. Brodnax,  
George C. Dromgoole,

**Messrs.** Mark Alexander,  
Philip N. Nicholas,  
John Y. Mason,  
James Trezvant,  
Augustine Claiborne,  
John Urquhart,  
John Randolph,  
William Leigh,  
Richard Logan,  
Richard N. Venable,  
Waller Holladay,

**Messrs.** John Roanè,  
Richard Morris,  
James M. Garnett,  
Littleton W. Tazewell,  
George Loyall,  
Joseph Prentis,  
Hugh B. Grigsby,  
Samuel Branch,  
John Coaker,  
Abel P. Upshur,  
William K. Perrin.—28.

*And the names of the gentlemen who voted in the negative, are :*

**Messrs.** P. P. Barbour, (*Pres't.*)  
William O. Goode,  
John Marshall,  
John Tyler,  
John B. Clopton,  
William Anderson,  
Samuel Coffman,  
Peachy Harrison,  
Jacob D. Williamson,  
Briscoe G. Baldwin,  
Chapman Johnson,  
William M'Coy,  
Samuel M'D. Moore,  
Andrew Beirne,  
William Smith,  
Fleming B. Miller,  
John Baxter,  
James Madison,  
Robert Stanard,  
William H. Fitzhugh,  
Richard H. Henderson,  
Joshua Osborne,  
John R. Cooke,  
Alfred H. Powell,  
Thomas Griggs, jun.  
James M. Mason,  
William Naylor,  
William Donaldson,  
Elisha Boyd,  
Philip C. Pendleton,  
John B. George,  
Andrew M'Millan,  
Edward Campbell,

**Messrs.** William Byars,  
William P. Taylor,  
Gordon Cloyd,  
Henley Chapman,  
John P. Mathews,  
William Oglesby,  
Edwin S. Duncan,  
John Laidley,  
Lewis Summers,  
Adam See,  
Charles S. Morgan,  
Alexander Campbell,  
Eugenius M. Wilson,  
John S. Barbour,  
John Scott,  
John W. Green,  
Thomas Marshall,  
William Campbell,  
Samuel Claytor,  
James Saunders,  
George Townes,  
Benj. W. S. Cabell,  
Joseph Martin,  
Archibald Stuart, jun.  
James Pleasants,  
William F. Gordon,  
Lucas P. Thompson,  
Thomas Massie, jun.  
Fleming Bates,  
Augustine Neale,  
Alexander F. Rose,  
Thomas R. Joynes,  
Thomas M. Bayly.—66.



Mr. *Cooke* moved that the House now take up the propositions heretofore submitted by him, and laid upon the table; which was agreed to by the House.

Mr. *Cooke* moved that the House adopt so much of his said propositions, as was not in conflict with the thirty-first section of the amended Constitution; which said part is as follows:

"It shall be the duty of the Executive Department of the existing Government, so soon as all the returns required by the twentieth section of the act of the General Assembly, entitled, "An act to organize a Convention," shall have been made, if it shall appear that a majority of all the votes given is for ratifying this amended Constitution, forthwith to make proclamation of the fact.

"And it shall moreover be the duty of the Executive Department, in and by such proclamation, to command the Sheriffs and other officers directed by law to hold and superintend elections, under the penalty of                  dollars for failing to obey such command, to open polls in their respective counties, cities, towns and boroughs, and in the election districts established by law in their respective counties, on the                  , for the election of a Delegate or Delegates, as the case may be, to represent the counties, towns, boroughs and districts, respectively, mentioned and described in the third article of this Constitution, and of a Senator to represent each of the Senatorial Districts described in the fourth article.

"So soon as the said election of Delegates and Senators shall have been made, the previously existing Senate and House of Delegates, elected under the old Constitution, shall cease to have legal and Constitutional existence.

"Should any of the contingencies herein before mentioned, render it necessary or proper to convene a General Assembly, after such election shall have been made, and before the time herein after appointed for the first regular annual meeting of the General Assembly under this amended Constitution, the new General Assembly shall be convened by the Executive Department holding its power and authority under the old Constitution.

"The first regular General Assembly under this amended Constitution, shall convene and assemble at the Capitol, in the city of Richmond, on the                  ."

Mr. *Cooke* moved to fill the first blank in the second clause, with the words "five thousand."

And the question being put thereupon, was agreed to by the House.

Mr. *Cooke* moved to fill the second blank in the same clause, with the words "the first day of November term, in the year 1830."

Mr. *Bayly* moved to fill the blank with the words "the first day of October term, in the year 1830."

And the question being put upon the first proposition, was determined in the affirmative.

Mr. *Cooke* then moved to fill the blank in the fifth clause, with the words "first Monday in January, in the year 1831."

And the question being put thereupon, was agreed to by the House.

Mr. *Leigh* of *Chesterfield* moved as a substitute for the entire proposition submitted by Mr. *Cooke*, the following :

"Ordered, that the roll containing the draft of the amended Constitution adopted by this Convention, and by it submitted to the people of this Commonwealth, for their ratification or rejection, be enclosed by the Secretary in a case proper for its preservation, and deposited among the archives of the Council of State.

"Ordered, that the Secretary do cause the Journal of the proceedings of this Convention, to be fairly entered in a well bound book, and after the same shall have been signed by the President, and attested by the Secretary, that he deposit the same, together with all the original documents in the possession of the Convention, and connected with its proceedings among the archives of the Council of State; and further, that he cause ten printed copies of the said Journal to be well bound, and deposited in the Public Library.

"Ordered, that the President of the Convention, do certify a true copy of the amended Constitution to the General Assembly now in session; and that the General Assembly be and they are hereby requested to make any additional provisions by law, which may be necessary and proper for submitting the same to the voters thereby qualified to vote for members of the General Assembly at the next April elections, and for organizing the Government under the amended Constitution, in case it shall be approved and ratified by such voters."

Mr. *Johnson* moved to amend the said proposed substitute, by striking out from the word. "the," in the second line of the third order, to the end thereof, and inserting the following :

"Executive of this Commonwealth, with a request that it be published, in order to be submitted to the people, for ratification or rejection, at the April elections in the present year, pursuant to the provisions of the nineteenth section of the act of the General Assembly, entitled, "an act to organize a Convention," passed the 10th of February, 1829."

And the question being put upon the proposed amendment, was determined in the negative.

Mr. *Cooke* moved a division of the question, so that the vote be first taken upon the third order contained in Mr. *Leigh's* proposed substitute; which was agreed to by the House.

And the question being put accordingly, was determined in the affirmative.—Ayes 51, Noes 43.

The question then recurred upon agreeing to the two first orders contained in Mr. *Leigh's* proposed substitute, and was determined in the affirmative.

On motion of Mr. *Leigh*,

Resolved, that the *President* do now sign the enrolled amended Constitution, adopted by this Convention, and that the *Secretary* do attest the same; which was then done accordingly.

The *President* then retired, having called Mr. *Stanard* to the chair.

On motion of Mr. *Stuart*, the House adopted the following resolution:

Resolved, unanimously, that the *President* of this Convention tender to the Pastor and Trustees of the First Baptist Church, the thanks of this Convention, for the use of their church.

On the further motion of Mr. *Stuart*, the House adopted the following resolution:

Resolved, unanimously, that the *President* of this Convention tender to the Clergy of this city, the thanks of this Convention, for the promptness and punctuality with which they have complied with the request of the Convention, in opening its daily sessions by prayer.

On motion of Mr. *Randolph*, the House adopted the following resolution:

Resolved, unanimously, that the impartiality and dignity with which *Philip P. Barbour*, Esquire, hath presided over the deliberations of this House, and the distinguished ability whereby he hath facilitated the dispatch of business, receive the best thanks of the Convention.

Mr. *Fitzhugh*, from the committee appointed to enquire into and report on the compensation proper to be allowed the officers of this Convention, made the following report, to wit:

The committee appointed to enquire into and report on the compensation proper to be allowed the officers of this Convention, have adopted the following resolutions:

Resolved, that the sum of one thousand and seventy-seven dollars and seventy-seven cents, be allowed *Thomas Ritchie*, printer to the Convention, for the printing done by order of the Convention.

Resolved, that the sum of two hundred dollars be allowed the Secretary of this Convention, for the additional duties and expenses devolved upon him, by the resolutions this day adopted.

And the question being put upon agreeing to the said resolutions, was determined in the affirmative.

The *President* resumed the chair:

And then, on motion of Mr. *Leigh* of *Chesterfield*, the Convention adjourned, *sine die*.





# REPORT

PRESENTED BY MR. MADISON,

FROM THE COMMITTEE OF TWENTY-FOUR.

[October 8th, 1829.]

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The committee of one from each Senatorial District, appointed to enquire into the most convenient mode of proceeding in bringing to the consideration of the Convention such amendments as may be proposed to the present Constitution, have had the same under consideration, and are of opinion, that the most convenient method is to adopt the following resolutions, viz :

1. Resolved, that a committee be appointed to take into consideration the Bill or Declaration of Rights, and to report to this Convention whether, in their opinion, any, and if any, what amendments are necessary therein.

2. Resolved, that a committee be appointed to take into consideration the Legislative department of government, as established by the present Constitution, and to report to this Convention, either a substitute for the same, or such amendments thereto, as in their opinion are necessary, or that no substitute or amendment is necessary.

3. Resolved, that the Executive department of government, as established by the present Constitution, be referred to a committee to enquire and report whether any, and if any, what amendments are necessary.

4. Resolved, that the Judicial department of government, as established by the present Constitution, be referred to a committee to enquire and report whether any, and if any, what amendments are necessary therein.

5. Resolved, that all such parts of the present Constitution, as are not referred by the foregoing resolutions, be referred to a committee to enquire and report whether any, and if any, what amendments are necessary therein.

6. Resolved, that no original resolution offered to the Convention, proposing any amendment to the Constitution or Declaration of Rights, be discussed on its merits in the House till it shall have been referred.

## RESOLUTIONS,

*Offered by Mr. Mercer, in the same Committee.*

1. Resolved, that so much of the Constitution as relates to the right of suffrage, be referred to a committee to consider and report whether any, and if any, what amendments are necessary therein.

2. Resolved, that so much of the Constitution as relates to the basis of representation, be referred to a committee to consider and report whether any, and if any, what amendments are necessary therein.

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RESOLUTION,

*Offered by Mr. Tazewell, in the same Committee.*

Resolved, that the most expedient method of bringing before the Convention any amendments to the Constitution which may be proposed, will be, to take up the existing Constitution or form of government of Virginia, with the Declaration of Rights, and regarding them for the purposes of examination and discussion merely, as a plan proposed and reported by a select committee, to refer the same to a committee of the whole House, there to be examined section after section, and to be dealt with in all other respects as a bill so referred by the House to that committee usually is.

## BILL OF RIGHTS.

*A Declaration of Rights made by the Representatives of the good People of VIRGINIA, assembled in full and free Convention; which rights do pertain to them, and their Posterity, as the basis and foundation of Government.*

[Unanimously adopted, June 12, 1776.]

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from, the people; that Magistrates are their trustees and servants, and at all times amenable to them.

3. That government is, or ought to be, instituted for the common benefit, protection and security, of the people, nation, or community: of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of Magistrate, Legislator, or Judge, to be hereditary.

5. That the Legislative and Executive powers of the State should be separate and distinct from the Judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

6. That elections of members to serve as representatives of the people, in Assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be



taxed or deprived of their property for public uses, without their own consent, or ~~that~~ of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

8. That, in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

11. That, in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

13. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free State; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that in all cases, the military should be under strict subordination to, and governed by, the civil power.

14. That the people have a right to uniform government; and therefore, that no government separate from, or independent of, the government of *Virginia*, ought to be erected or established within the limits thereof.

15. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other.

## CONSTITUTION OF VIRGINIA.

*The Constitution, or form of Government, agreed to and resolved upon by the Delegates and Representatives of the several Counties and Corporations of Virginia.*

[Unanimously adopted, June 29, 1776.]

1. Whereas *George* the third, King of *Great Britain* and *Ireland*, and Elector of *Hanover*, heretofore entrusted with the exercise of the kingly office in this government, hath endeavoured to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good : By denying his Governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and, when so suspended, neglecting to attend to them for many years : By refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the Legislature : By dissolving Legislative Assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people : When dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any Legislative head : By endeavouring to prevent the population of our country, and, for that purpose, obstructing the laws for the naturalization of foreigners : By keeping among us, in time of peace, standing armies and ships of war : By affecting to render the military independent of, and superior to, the civil power : By combining with others to subject us to a foreign jurisdiction ; giving his assent to their pretended acts of Legislation : For quartering large bodies of armed troops among us : For cutting off our trade with all parts of the world : For imposing taxes on us without our consent : For depriving us of the benefits of the trial by jury : For transporting us beyond seas, to be tried for pretended offences : For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever : By plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people : By inciting insurrections of our fellow subjects, with the allurements of forfeiture and confiscation : By prompting our negroes to rise in arms among us, those very negroes, whom, by an inhuman use of his negative, he hath refused us permission to exclude by law : By endeavouring to bring on the inhabitants of our frontiers, the merciless *Indian* savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence : By transporting at this time, a large army of foreign mercenaries, to complete the works of death, desolation, and tyranny,

already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation: By answering our repeated petitions for redress with a repetition of injuries: And finally, by abandoning the helm of government, and declaring us out of his allegiance and protection. By which several acts of misrule, the government of this country, as formerly exercised under the crown of *Great Britain*, is totally dissolved:

2. We, therefore, the Delegates and Representatives of the good people of *Virginia*, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country must be reduced, unless some regular adequate mode of civil polity is speedily adopted, and in compliance with a recommendation of the General Congress, do ordain and declare the future form of government of *Virginia* to be as followeth:

3. The Legislative, Executive, and Judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other; nor shall any person exercise the powers of more than one of them at the same time, except that the justices of the county courts shall be eligible to either House of Assembly.

4. The Legislative shall be formed of two distinct branches, who, together, shall be a complete Legislature. They shall meet once or oftener, every year, and shall be called the General Assembly of *Virginia*.

(5) One of these shall be called the House of Delegates, and consist of two Representatives to be chosen for each county, and for the district of *West Augusta*, annually, of such men as actually reside in and are freeholders of the same, or duly qualified according to law, and also one Delegate or Representative to be chosen annually for the city of *Williamsburg*, and one for the borough of *Norfolk*, and a Representative for each of such other cities and boroughs as may hereafter be allowed particular representation by the Legislature; but when any city or borough shall so decrease as that the number of persons having right of suffrage therein shall have been for the space of seven years successively less than half the number of voters in some one county in *Virginia*, such city or borough thenceforward shall cease to send a Delegate or Representative to the Assembly.

6. The other shall be called the Senate, and consist of twenty-four members, of whom thirteen shall constitute a House to proceed on business, for whose election the different counties shall be divided into twenty-four districts; and each county of the respective district, at the time of the election of its Delegates, shall vote for one Senator, who is actually a resident and freeholder within the district, or duly qualified according to law, and is upwards of twenty-five years of age; and the sheriffs of each county, within five days at farthest after the last county election in the district,

shall meet at some convenient place, and from the poll so taken in their respective counties return as a Senator the man who shall have the greatest number of votes in the whole district. To keep up this Assembly by rotation, the districts shall be equally divided into four classes, and numbered by lot. At the end of one year after the general election, the six members elected by the first division shall be displaced, and the vacancies thereby occasioned supplied from such class or division, by new election, in the manner aforesaid. This rotation shall be applied to each division, according to its number, and continued in due order annually.

7. That the right of suffrage in the election of members of both Houses shall remain as exercised at present, and each House shall choose its own Speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies.

8. All laws shall originate in the House of Delegates, to be approved or rejected by the Senate, or to be amended with the consent of the House of Delegates, except money bills, which in no instance shall be altered by the Senate, but wholly approved or rejected.

9. A Governor, or Chief Magistrate, shall be chosen annually, by joint ballot of both Houses, to be taken in each House respectively, deposited in the conference room, the boxes examined jointly by a Committee of each House, and the numbers severally reported to them, that the appointments may be entered; (which shall be the mode of taking the joint ballot of both Houses in all cases;) who shall not continue in that office longer than three years successively, nor be eligible until the expiration of four years after he shall have been out of that office. An adequate, but moderate salary, shall be settled on him during his continuance in office; and he shall, with the advice of a Council of State, exercise the executive powers of government according to the laws of this Commonwealth; and shall not, under any pretence, exercise any power or prerogative by virtue of any law, statute, or custom, of *England*: But he shall, with the advice of the Council of State, have the power of granting reprieves or pardons, except where the prosecution shall have been carried on by the House of Delegates, or the law shall otherwise particularly direct; in which cases, no reprieve or pardon shall be granted, but by resolve of the House of Delegates.

10. Either House of the General Assembly may adjourn themselves respectively. The Governor shall not prorogue or adjourn the Assembly during their sitting, nor dissolve them at any time; but he shall, if necessary, either by advice of the Council of State, or on application of a majority of the House of Delegates, call them before the time to which they shall stand prorogued or adjourned.

11. A Privy Council or Council of State, consisting of eight members, shall be chosen by joint ballot of both Houses of Assembly, either from their own members or the people at large, to assist in the administration of government. They shall annually choose out of their own members a President, who, in case of the death, inability, or necessary absence of the Governor from the government, shall act as Lieutenant Governor. Four members shall be sufficient to act, and their advice and proceedings shall be entered of record, and signed by the members present (to any part whereof any member may enter his dissent) to be laid before the General Assembly, when called for by them. This Council may appoint their own clerk, who shall have a salary settled by law, and take an oath of secrecy in such matters as he shall be directed by the Board to conceal. A sum of money appropriated to that purpose shall be divided annually among the members, in proportion to their attendance; and they shall be incapable during their continuance in office, of sitting in either House of Assembly. Two members shall be removed by joint ballot of both Houses of Assembly at the end of every three years, and be ineligible for the three next years. These vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections, in the same manner.

12. The Delegates for *Virginia* to the Continental Congress shall be chosen annually, or superseded in the mean time by joint ballot of both Houses of Assembly.

13. The present militia officers shall be continued, and vacancies supplied by appointment of the Governor, with the advice of the Privy Council, or recommendations from the respective County Courts; but the Governor and Council shall have a power of suspending any officer, and ordering a court-martial on complaint of misbehaviour or inability, or to supply vacancies of officers happening when in actual service. The Governor may embody the militia, with the advice of the Privy Council, and when embodied, shall alone have the direction of the militia under the laws of the country.

14. The two Houses of Assembly shall, by joint ballot, appoint Judges of the Supreme Court of Appeals, and General Court, Judges in Chancery, Judges of Admiralty, Secretary, and the Attorney General, to be commissioned by the Governor, and continue in office during good behaviour. In case of death, incapacity, or resignation, the Governor, with the advice of the Privy Council, shall appoint persons to succeed in office, to be approved or displaced by both Houses. These officers shall have fixed and adequate salaries, and, together with all others holding lucrative offices, and all Ministers of the Gospel of every denomination, be incapable of being elected members of either House of Assembly, or the Privy Council.

15. The Governor, with the advice of the Privy Council, shall appoint Justices of the Peace for the counties; and in case of vacancies, or a necessity of increasing the number hereafter, such appointments to be made upon the recommendation of the respective County Courts. The present acting Secretary in *Virginia*, and clerks of all the County Courts, shall continue in office. In case of vacancies, either by death, incapacity, or resignation, a Secretary shall be appointed as before directed, and the clerks by the respective Courts. The present and future clerks shall hold their offices during good behaviour, to be judged of and determined in the General Court. The sheriffs and coroners shall be nominated by the respective Courts, approved by the Governor, with the advice of the Privy Council, and commissioned by the Governor. The Justices shall appoint constables, and all fees of the aforesaid officers be regulated by law.

16. The Governor, when he is out of office, and others offending against the State, either by mal-administration, corruption, or other means by which the safety of the State may be endangered, shall be impeachable by the House of Delegates. Such impeachment to be prosecuted by the Attorney General, or such other person or persons as the House may appoint, in the General Court, according to the laws of the land. If found guilty, he or they shall be either for ever disabled to hold any office under government, or removed from such office *pro tempore*, or subjected to such pains or penalties as the law shall direct.

17. If all, or any of the Judges of the General Court, shall, on good grounds (to be judged of by the House of Delegates) be accused of any of the crimes or offences before-mentioned, such House of Delegates may, in like manner, impeach the Judge or Judges so accused, to be prosecuted in the Court of Appeals; and he or they, if found guilty, shall be punished in the same manner as is prescribed in the preceding clause.

18. Commissions and grants shall run *In the name of the COMMONWEALTH of VIRGINIA*, and bear test by the Governor, with the seal of the Commonwealth annexed. Writs shall run in the same manner, and bear test by the clerks of the several Courts. Indictments shall conclude, *Against the peace and dignity of the Commonwealth.*

19. A Treasurer shall be appointed annually, by joint ballot of both Houses.

20. All escheats, penalties, and forfeitures, heretofore going to the King, shall go to the Commonwealth, save only such as the Legislature may abolish, or otherwise provide for.

21. The territories contained within the charters erecting the colonies of *Maryland, Pennsylvania, North and South-Carolina*, are hereby ceded, released, and for ever confirmed to the people of those colonies respectively, with all the rights of property, juris-

diction, and government, and all other rights whatsoever which might at any time heretofore have been claimed by *Virginia*, except the free navigation and use of the rivers *Potowmac* and *Pohomoke*, with the property of the *Virginia* shores or strands bordering on either of the said rivers, and all improvements which have been or shall be made thereon. The western and northern extent of *Virginia* shall in all other respects stand as fixed by the charter of King *James* the first, in the year one thousand six hundred and nine, and by the public treaty of peace between the Courts of *Great Britain* and *France*, in the year one thousand seven hundred and sixty-three; unless, by act of Legislature, one or more territories shall hereafter be laid off, and governments established westward of the *Alleghany* mountains. And no purchase of lands shall be made of the *Indian* natives, but on behalf of the public, by authority of the General Assembly.

22. In order to introduce this government, the representatives of the people met in Convention shall choose a Governor and Privy Council, also such other officers directed to be chosen by both Houses as may be judged necessary to be immediately appointed. The Senate to be first chosen by the people, to continue until the last day of *March* next, and the other officers until the end of the succeeding session of Assembly. In case of vacancies, the Speaker of either House shall issue writs for new elections.

# **RULES**

OF

## **PROCEEDINGS OF THE CONVENTION.**

The committee to whom it was referred to consider and report what rules of proceedings of the House of Delegates are applicable as rules of proceedings of this Convention, and what amendments thereof, if any, ought to be made, have, according to order, performed that duty, and report the following as rules of proceedings for this Convention, viz:

1. No member shall absent himself from the service of the House without leave, unless he be sick, and unable to attend.

2. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and without advancing from thence, shall, with due respect, address himself to the President, confining himself strictly to the point in debate, avoiding all indecent and disrespectful language.

3. No member shall speak more than twice in the same debate, without leave.

4. A question being once determined, must stand as the judgment of the House, and cannot again be drawn into debate.

5. While the President is reporting, or putting any question, none shall entertain private discourse, read, stand up, walk into or out of the House.

6. No member shall vote on any question touching his own conduct in, or rights and privileges as a member of this Convention, or in any other case where he was not present when the question was put by the President or Chairman of any committee.

7. Every member who shall be in the House when any question is put, shall on a division be counted on the one side or the other.

8. Each day, before the House proceed to any other business, the Secretary shall read the orders of the day.

9. The Secretary shall not suffer any records or papers to be taken from the table, or out of his custody, by any member or other person.

10. A majority of the members of the Convention shall be necessary to proceed to business, and every question shall be determined according to the vote of a majority of the members present. Any smaller number shall be sufficient to adjourn, and fifteen to call a House and send for the absent, and make any order for their censure or discharge.

11. When the House is to rise, every member shall keep his seat until the President passes him.

12. The Journals of the House shall be daily drawn up by the



Secretary, and after being examined by the President, be printed, and one copy be delivered to the Secretary and to each member, without delay.

13. A majority of any committee shall be a sufficient number to proceed to business..

14. Any person shall be at liberty to sue out an original writ or subpoena in Chancery, in order to prevent a bar by the statute of limitations, or to file any bill in Equity, to examine witnesses thereupon, for the sole purpose of preserving their testimony against any member of this House, notwithstanding his privilege: provided, that the clerk, after having made out, and signed such original writ, shall not deliver the same to the party, or to any other, during the continuance of that privilege.

15. Any person summoned to attend this House, or any committee thereof, as a witness in any matter depending before them, shall be privileged from arrest, during his coming to, attending on, or going from the House, or committee; and no such witness shall be obliged to attend, until the party, at whose request he shall be summoned, do pay, or secure to him, for his attendance, and travelling, the same allowance which is made to witnesses attending the General Court.

16. If any person shall tamper with any witness, in respect to their evidence to be given in this House, or any committee thereof, or directly, or indirectly, endeavour to deter, or hinder any person from appearing, or giving evidence, the same is declared to be a high crime, or misdemeanor; and this House will proceed with the utmost severity against such offender.

17. No person shall be taken into custody by the Sergeant at Arms, on any complaint of a breach of privilege, until the matter of such complaint shall be examined by the committee of Privileges and Elections, and reported to the House.

18. The Sergeant's fees shall be as follows, to wit: for taking any person into custody, two dollars; for every day he shall be detained in custody, two dollars; for sending a messenger to take any person into custody by warrant from the President, eight cents per mile for going, and the same for returning, besides ferriages.

19. On a call of the House, the doors shall not be shut against any member until his name is once enrolled.

20. When any member shall keep his seat two days after having obtained leave of absence, such leave shall be void.

21. No business shall be introduced, taken up, or considered, after 12 o'clock, until the orders of the day shall be disposed of.

22. Any member, on his motion made for that purpose, on being seconded, provided seven of the members present be in favour of the motion, shall have a right to have the ayes and noes taken upon the determination of any question, provided he shall give notice of his intention to call the ayes and noes before the question be put,

and in such case the House shall not divide, or be counted on the question, but the names of the members shall be called over by the Secretary, and the ayes and noes shall be respectively entered on the Journal, and the question shall be decided as a majority of votes shall thereupon appear: provided, that after the ayes and noes shall be separately taken, and before they are counted, or entered on the Journal, the Secretary shall read over the names of those who voted in the affirmative, and of those who voted in the negative; and any member shall have liberty, at such reading, to correct any mistake which may have been committed, in listing his name, either in the affirmative or negative.

23. The petitioner who contests the election of a member returned to serve in this Convention, is entitled to receive his wages only from the day on which such petitioner is declared duly elected.

24. Select Committees shall be composed of some number not less than five, nor more than thirteen.

25. It shall be the rule of the House, in all cases of balloting, to fill one vacancy only at a time.

26. The committee of Privileges and Elections shall report to the House in all cases of privilege, or contested election, to them referred, the principles, and reasons upon which their resolutions shall be founded.

27. In all cases of balloting for the election of any officer by this Convention, if, on the first ballot, no person shall have a majority of the whole number, on the second ballot the person who had the smallest number of votes shall not be balloted for; and so on each succeeding ballot till some person shall have a majority of the whole.

28. In all cases wherein a division of the House, on any question propounded from the Chair, is rendered necessary, in the opinion of the President, by the equality of sound, or required by the motion of any member, the members voting on the question which occasions such division, shall be required to rise in their places; and if, on a general view of the House, a doubt still remain in the President, or any member thereof, on what side the majority is, the members shall be counted standing in their places, either by the President, or by two members of opposite opinions on the question, to be deputed for that purpose by the President.

29. The committee appointed to examine the ballot-boxes shall count no blanks therein.

30. The Documents ordered to be printed by the House, shall be printed on paper of the same size of the Journals of this Convention, and a copy shall be bound up with each Journal, to be furnished to the members at the end of the session; and it shall be the duty of the Printer of the House to print one hundred additional copies of each document ordered to be printed, for the above purpose.

31. It shall be the duty of the committee of Privileges and Elections to examine the certificates of election furnished by the sheriffs, in order to ascertain the members of this Convention duly elected, and to report thereupon.

32. Seats within this House, such as the President shall direct, shall be set apart for the use of the members of the General Assembly and of the Executive, of the Judges of the Superior Courts of this State, and of the United States, and of such other persons as the President may think proper to invite within the bar.

33. It shall be a standing rule of the House, that the President be authorised to call any member of the House to occupy the Chair, and exercise the functions of President until he may resume the Chair; with this proviso, that the power given by this rule shall not be construed to confer on the President a right to place any member in the Chair of the President, for a longer period than one day.

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[ No. 5. ]

## AN ACT TO ORGANIZE A CONVENTION.

[Passed February 10th, 1839.]

Whereas, in pursuance of the act of the General Assembly, passed at the last session, entitled, "an act concerning a Convention," the sense of the good people of this Commonwealth has been taken on the question, whether they desire a Convention to amend the State Constitution, or not; and it has been thus ascertained, that it is the wish of the people that a Convention shall be called for the purpose aforesaid: In order, therefore, to the forming and assembling of such Convention:

1. *Be it enacted*, That the persons qualified according to law to vote for members of the House of Delegates, in each county, city and borough, within the several Senatorial districts of this Commonwealth, as at present established by law, shall assemble at their respective court-houses, or other places appointed by law for holding elections of members of the General Assembly, on the several court days of each county, city and borough, composing a district, in the month of May, in the year of our Lord one thousand eight hundred and twenty-nine, and then and there vote for four discreet and proper persons as members of the said Convention.

2. The persons authorised by law to hold elections for members of the General Assembly, in each county, city or borough, shall conduct the said election, at which no determination shall be had by view; but, each person qualified to vote, shall fairly and pub-

licly vote, and the name of the voter shall be duly entered under the name of the person voted for, in proper poll-books, to be provided by the officer conducting the election, for which purpose he shall appoint so many writers as he shall think fit, who shall respectively take an oath, to be administered by him, or make solemn affirmation, that they will take the poll fairly and impartially. He shall deliver a poll-book to each writer, who shall enter in distinct columns, under the names of the persons voted for, the name of each elector voting for such persons. Like proclamation and proceedings shall be made and had, for opening, conducting, continuing and closing the poll in each county, city and borough in a district, as is prescribed by law in the election of members of the General Assembly. Proclamation shall be made at the court-house door, or at the place of holding such election, of the persons having the greatest number of votes upon the poll on the closing thereof: and each elector shall be entitled to the same privilege from arrest, as is now prescribed by law in cases of elections of members to the General Assembly.

3. If the mayor of any city or borough entitled to representation in the General Assembly, shall by death, or any other cause whatever, be unable to attend and conduct the election of members to the said Convention, according to the provisions of this act, then the recorder, or if there be no recorder, or he be unable to attend, the senior alderman capable of attending, shall attend and conduct such election according to law.

4. Immediately after each election in a county, city and borough, held as aforesaid, the clerk of the poll having first signed the same, shall deliver it to the sheriff or other officer, who conducted the election; and every such sheriff or other officer, in each district, shall meet at the court-house of the county first named in such district, on the tenth day after that on which the election last held in the district commenced, and then and there compare the polls respectively taken at the elections in their several counties, cities and boroughs; and having ascertained the four persons having the greatest number of votes upon the whole, shall declare them duly elected, and shall proceed to certify such election under their hands and seals, to the effect following, to wit: We, A. B., sheriff of            county, or deputy sheriff, (as the case may be,) C. D., sheriff of            county, (and so reciting the persons attending to compare the polls from each county, city and borough, composing one entire district, entitled by the provisions of this act to elect four members to the said Convention,) do hereby certify and make known, that at an election held on the            day of            in the county of           , on the            in the county of           , (and so on, stating the time of holding the election in each county, city or borough within the district,) at the place of holding elections in our respective counties, cities and boroughs, pursuant to law, the

electors qualified by law to vote for members to the House of Delegates, caused to be chosen four persons, to wit: to represent the said district as members of a Convention, to discuss and propose a new Constitution, or alterations and amendments to the existing Constitution of this Commonwealth. Given under our hands and seals, the            day of            one thousand eight hundred and            . Two fair duplicates of such certificates and returns shall be made by the said sheriffs and other officers under their hands and seals, in the manner before recited, one of which shall be delivered to one of the persons having the greatest number of votes, and declared elected, and the other shall be transmitted to the Governor and Council of the Commonwealth, within ten days after the date thereof.

5. If from death, sickness or other cause, the person conducting the poll in any county, city or borough, shall be unable to attend for the purpose of comparing the same, at the time and place prescribed by law, then the duty of attending and comparing such poll, and all other duties consequent thereupon, shall be performed in the following manner, that is to say: If a sheriff conducting the poll be dead, then the duties aforesaid shall be performed by his successor, if any there be; if there be no successor, then by the coroner; or if there be more than one, then by the senior coroner of the county capable of attending; if such sheriff be sick, or otherwise unable to attend, the duties shall be performed by such of his deputies as he may appoint for that purpose; or if he have no deputy, by the coroner or senior coroner. If a deputy sheriff conducting the poll be dead, or unable to attend, the duties shall be performed by the sheriff, either in person or by deputy. If a mayor be dead, or unable to attend, the duties shall be performed by his successor, if any there be; if none, by the recorder; if no recorder, then by the senior alderman capable of attending. If a recorder be dead, or unable to attend, the duties shall be performed by the mayor, if any; if none, by the senior alderman capable of attending. If a magistrate or alderman conducting the poll be dead, or unable to attend, the duties shall be performed by the magistrate or alderman next in seniority and capable of attending. And if there shall be no person hereby authorised, who shall be able to attend and perform these duties, the court of the county or corporation, as the case may be, or any three magistrates or aldermen out of court, by warrant under their hands and seals, shall without delay appoint some fit and discreet person, who shall be bound in all things promptly to perform the duties aforesaid.

6. If from any cause the persons authorised to compare the polls, be prevented from meeting and performing their duties, on the day and at the place herein before prescribed, those present shall adjourn from time to time, as may be necessary and proper, until all of them shall attend, and the business of the meeting shall be completed.

7. If upon comparing the polls, it shall appear that there are not as many as four persons having a greater number of votes than any other candidates, voted for, but that one or more persons necessary to constitute the number of four members, have an equal number of votes, the election shall be forthwith decided between the candidates so having an equality of votes, by lot or lots, fairly and publicly drawn, under the direction of the officers so making the election.

8. The said sheriffs and other persons comparing the polls, shall also deliver to the clerks of their respective counties or corporations, within ten days after such return, the original poll-books, to be by such clerk entered of record, under the like penalty for failure, as for failing to record the poll-books taken at the election of members to the General Assembly.

9. If any sheriff or other person authorised to compare the polls, shall wilfully or negligently fail either to attend and compare the same, or to decide the election by lot, when according to the provisions of this act it ought to be so decided, or to make out certificates, or returns of the elections, and to return one of them to the Executive, and deliver the other of them to one of the persons having the greatest number of votes in each district, within ten days after the date of such certificate, or to return the original poll-books to the clerk, according to the provisions of this act, then the sheriff or other persons so failing, shall for every offence, forfeit and pay to the Commonwealth for the benefit of the Literary Fund, five hundred dollars, to be recovered by action of debt, information or indictment, in any court of record, having jurisdiction thereof.

10. Any sheriff or other officer refusing to take the poll when he shall be required by a candidate or elector, or taking it in any other manner than is herein before prescribed, or making or signing a false certificate, or return of election, as herein before directed, or making any erasure or alteration in the poll-book, or refusing to suffer any candidate or elector, at his own expense, to take a copy of the poll-book, shall forfeit and pay to the Commonwealth, for the use of the Literary Fund, six hundred dollars for each offence, recoverable by action of debt, information or indictment, in any court of record having jurisdiction thereof.

11. If any candidate or other person shall directly or indirectly give or agree to give, to any elector or pretended elector, money, meat, drink or other thing, as an inducement to such elector or pretended elector, to vote for such candidate, or for any other person, to be a member of said Convention, or as a reward to such elector or pretended elector, for having voted for any such candidate or other person, to be a member of said Convention, such offender shall forfeit and pay for every offence, the sum of fifteen hundred dollars, to be recovered by action of debt, information or

indictment, in any court of record having jurisdiction thereof, in the name of the Commonwealth for the benefit of the Literary Fund.

12. Every person authorised by law to compare the polls, as aforesaid, shall receive for his services therein, one dollar and sixty-seven cents for every day on which he shall necessarily attend at the place appointed by law to compare said polls, together with all charges for ferriage and tolls, and four cents a mile for travelling to and from the county in which he shall meet for that purpose. Every claim for the compensation hereby allowed, shall be presented to the court of the county or corporation in which the claimant may live; shall be verified by the affidavit of the claimant, and by such other evidence as shall be satisfactory to the court, and being certified by them to be correct, shall be allowed by the Auditor and paid out of the public treasury.

13. No person entitled to suffrage by this act, shall vote more than once, either in the same county, or in different counties. And if any person shall offend herein, he shall forfeit and pay, for every such offence, one hundred dollars, to be recovered in the name of the Commonwealth, for the benefit of the Literary Fund, by action of debt, information or indictment in any court of record having jurisdiction thereof. Nor shall any such person be admitted to vote in such election, at the court-house or other place of holding the election, in any county, city or borough, in a district, unless the freehold, or other estate in right of which he offers to vote, shall be in that county, city or borough, in which he gives his vote.

14. The persons who shall be elected in pursuance of the provisions of this act, shall on the first Monday in October, in the year of our Lord one thousand eight hundred and twenty-nine meet and assemble at the Capitol in the city of Richmond, in general Convention, to consider, discuss and propose a new Constitution, or alterations and amendments to the existing Constitution of this Commonwealth.

15. The said Convention shall be the judge of its own privileges and elections, and the members thereof shall have, possess and enjoy in the most full and ample manner, all and every the privilege and privileges, which members elected to, and attending on the General Assembly, are entitled to; and moreover, shall be allowed the same pay for travelling to, and attending on, and returning from the said Convention, as is now allowed to the members of the General Assembly for travelling to, attending on, and returning from the same; and the said Convention shall be and is hereby empowered to appoint such officers, and to make them such reasonable allowances for their services as it shall deem proper; which several sums shall be allowed by the Auditor, and paid by the Treasurer of this Commonwealth.

16. In case of contested or disputed elections to the Conven-

tion, the contesting candidates shall pursue the same course, and be governed in all things by the same rules, as are now prescribed by law in contested or disputed elections to the Senate of this Commonwealth.

17. *Be it enacted*, That it shall be the duty of the Governor and Council, as soon as the Convention which shall meet in pursuance of this act, shall have adjourned sine die, by proclamation in such of the public newspapers of this Commonwealth, as may be deemed sufficient, to announce that fact; and moreover to annex to such proclamation a copy of such amended Constitution as may be proposed by such Convention, which proclamation, with the said Constitution annexed, shall be published as aforesaid for a period of three months; and moreover, ten printed copies of such amended Constitution shall be by the Executive forthwith transmitted to the clerk of each county court in the Commonwealth, to be by such clerk submitted to the examination of any person who may require the same.

18. *Be it enacted*, That the Governor, with the advice of Council, shall have full power and authority to award writs of election to supply any vacancies which may happen in the Convention, by death, removal, resignation, or other incapacity, of any member elected to serve therein, according to the provisions of this act, previously to the meeting of the said Convention; and the elections under such writs shall be conducted in all respects as the elections herein provided for; but if any vacancy shall happen as aforesaid, after the meeting of the said Convention, the remaining members of the district in which such vacancy has occurred, shall supply the same.

19. *And be it further enacted*, That it shall be the duty of the several sheriffs, or other persons authorised by this act to conduct the election at the first general election for members of the House of Delegates, in their respective counties, which may be holden after proclamation so made as aforesaid, to open a separate poll-book, in the manner and for the purpose hereinafter prescribed. The said poll-book shall be headed, "The Constitution as amended," and shall contain two separate columns; the first column shall be headed, "For ratifying," and the second column shall be headed, "For rejecting." And it shall further be the duty of the said sheriffs, at the elections aforesaid, to receive the votes of all such persons as shall by the amended Constitution, be authorised to vote for members of the most numerous branch of the Legislature, or by the said Convention shall be authorised to vote on the ratification or rejection of the new Constitution, to be recorded in the poll-book herein-before required to be by them opened. The names of all such persons as shall vote as aforesaid, for ratifying or rejecting the aforesaid Constitution, shall be inserted in the appropriate column of the said book. And in order the better to



execute the duties herein prescribed, the sheriffs aforesaid shall have power to appoint one or more clerks, who shall take an oath well and truly to register the names of the voters as aforesaid.

20. *And be it further enacted*, That the polls aforesaid shall be kept open for the period of three successive days, and the same when closed shall be certified by the said sheriffs respectively, and shall by them, within ten days after they shall have been closed, be deposited in the office of the clerk of the county court, to be by said clerk carefully preserved and kept. And the said sheriffs respectively, shall, within twenty days after the polls shall have been closed as aforesaid, make out a fair and correct copy of the said poll-book, which shall be certified by the respective clerks of the county courts, and the said sheriffs, to be correct, and transmit the same to the Governor and Council.

21. *And be it further enacted*, That it shall be the duty of the said Executive, as soon as all the returns of the polls aforesaid shall be received by them, carefully to examine the same, and if it shall appear that a majority of all the votes given, is for ratifying said amended Constitution, it shall further be the duty of said Executive, forthwith to convene the General Assembly, in order that the Constitution, thus ratified, shall be carried into effect.

22. *And be it further enacted*, That if any sheriff or other officer, shall fail, faithfully, and within the time prescribed by this act, to discharge any of the duties hereby required, such sheriff or other officer, so failing as aforesaid, shall forfeit and pay the sum of five hundred dollars, to be recovered by action of debt, in any of the courts of record in this Commonwealth, for the use and in the name of the President and Directors of the Literary Fund.

23. This act shall commence and be in force from the passing thereof.

**A STATEMENT**

*Of the Number of Persons in each County and Corporate Town within this Commonwealth, charged with State Tax for the year 1828, on moveable property.*

<i>Counties, &amp;c.</i>	<i>Number.</i>	
Accomack, -	1106	
Albemarle, -	1541	
Alleghany, -	308	
Amelia, -	549	
Amherst, -	882	
Augusta, -	1942	
Bath, -	441	
Bedford, -	1814	
Berkeley, -	917	
Botetourt, -	1405	
Brooke, -	738	
Brunswick, -	857	{ For the year 1829—the books of 1828 being mislaid. Ditto, ditto.
Buckingham, -	1141	
Cabell, -	403	
Campbell, -	1174	
Caroline, -	1027	
Charles City, -	331	
Charlotte, -	983	
Chesterfield, -	1169	
Culpeper, -	1538	
Cumberland, -	724	
Dinwiddie, -	883	
Elizabeth City, -	277	
Essex, -	529	
Fairfax, -	904	
Fauquier, -	1423	
Fluvanna, -	571	
Franklin, -	1345	
Frederick, -	1791	
Giles, -	662	
Gloucester, -	523	
Goochland, -	682	
Grayson, -	814	
Greenbrier, -	1076	

<i>Counties, &amp;c.</i>	<i>Number.</i>	
Greensville, -	360	
Halifax, -	2031	
Hampshire, -	1306	
Hanover, -	1082	
Hardy, -	863	
Harrison, -	1849	
Henrico, -	589	
Henry, -	507	
Isle of Wight, -	800	
James City, -	217	
Jefferson, -	877	
Kanawha, -	881	
King & Queen, -	773	
King George, -	362	
King William, -	591	
Lancaster, -	364	
Lee, -	751	
Lewis, -	820	
Logan, -	388	
Loudoun, -	1914	
Louisa, -	1051	
Lunenburg, -	783	
Madison, -	619	
Mason, -	797	
Matthews, -	395	
Mecklenburg, -	1325	
Middlesex, -	251	
Monongalia, -	1703	
Monroe, -	1011	
Montgomery, -	1364	
Morgan, -	304	
Nansemond, -	842	
Nelson, -	737	
New Kent, -	437	
Nicholas, -	412	
Norfolk County, -	1160	
Northumberland, -	497	
Northampton, -	456	
Nottoway, -	528	
Ohio, -	1263	
Orange, -	516	
Patrick, -	736	
Pendleton, -	890	

<i>Counties, &amp;c.</i>	<i>Number.</i>	
Pittsylvania, -	1995	
Pocahontas, -	397	
Powhatan, -	518	
Preston, -	644	
Prince Edward, -	920	
Princess Anne, -	904	
Prince George, -	586	
Prince William, -	684	
Randolph, -	657	
Richmond County, -	330	
Rockbridge, -	1397	
Rockingham, -	1996	
Russell, -	875	
Scott, -	784	
Shenandoah, -	2026	
Southampton, -	1112	
Spottsylvania, -	725	
Stafford, -	652	
Surry, -	452	
Sussex, -	793	
Tazewell, -	692	
Tyler, -	502	
Warwick, -	126	
Washington, -	1832	
Westmoreland, -	468	
Wood, -	702	
Wythe, -	1300	
York, -	318	
Williamsburg, -	128	
Richmond City, -	1023	
Norfolk Borough, -	639	
Petersburg, -	649	
Lynchburg, -	351	
Fredericksburg, -	245	
Winchester, -	189	
Staunton, -	110	
Total, -	95,593	

In the foregoing enumeration, persons of every age and colour, and of both sexes, are included.

JA'S E. HEATH, *A. P. A.*

*Auditor's Office, 13th October, 1829.*



**A STATEMENT**

*Of the Number of Persons in each County of this Commonwealth, who are charged on the land books of 1828, with taxes on a quantity of land not less than 25 acres, or on a lot or part of a lot in a town established by law.*

<i>Counties, &amp;c.</i>	<i>Number.</i>	
Accomack,	1243	
Albemarle,	1412	
Alleghany,	306	
Amelia,	554	
Amherst,	743	
Augusta,	1466	
Bath,	436	
Bedford,	1597	
Berkeley,	1073	
Botetourt,	1287	
Brooke,	687	
Brunswick,	944	
Buckingham,	1120	
Cabell,	804	
Campbell,	1175	
Caroline,	1089	
Charles City,	377	
Charlotte,	767	
Chesterfield,	1372	
Culpeper,	1433	
Cumberland,	636	
Dinwiddie,	968	
Elizabeth City,	347	
Essex,	598	
Fairfax,	696	
Fauquier,	1123	
Fluvanna,	600	
Franklin,	1224	
Frederick,	1552	
Giles,	597	
Gloucester,	584	
Goochland,	616	
Grayson,	854	
Greenbrier,	951	
Greensville,	495	

Counties, &c.	Number.
Halifax, -	1901
Hampshire, -	1295
Hanover, -	1119
Hardy, -	720
Harrison, -	1365
Henrico, -	768
Henry, -	570
Isle of Wight, -	950
James City, -	319
Jefferson, -	856
Kanawha, -	615
King & Queen, -	964
King George, -	449
King William, -	501
Lancaster, -	341
Lee, -	742
Lewis, -	739
Logan, -	360
Loudoun, -	1667
Louisa, -	996
Lunenburg, -	746
Madison, -	576
Mason, -	635
Mathews, -	351
Mecklenburg, -	1326
Middlesex, -	305
Monongalia, -	1474
Monroe, -	837
Montgomery, -	1120
Morgan, -	414
Nansemond, -	860
Nelson, -	657
New Kent, -	603
Nicholas, -	536
Norfolk County, -	1578
Northumberland, -	584
Northampton, -	369
Nottoway, -	480
Ohio, -	1026
Orange, -	951
Patrick, -	978
Pendleton, -	789
Pittsylvania, -	1792

<i>Counties, &amp;c.</i>	<i>Number.</i>	
Pocahontas, -	391	
Powhatan, -	437	
Preston, -	646	
Prince Edward, -	795	
Princess Anne, -	1047	
Prince George, -	819	
Prince William, -	749	
Randolph, -	978	
Richmond County, -	416	
Rockbridge, -	1181	
Rockingham, -	1491	
Russell, -	553	
Scott, -	656	
Shenandoah, -	1811	
Southampton, -	1159	
Spottsylvania, -	828	
Stafford, -	520	
Surry, -	601	
Sussex, -	888	
Tazewell, -	553	
Tyler, -	630	
Warwick, -	191	
Washington, -	1161	
Westmoreland, -	410	
Wood, -	1054	
Wythe, -	952	
York, -	340	
Williamsburg, -	131	
Richmond City, -	1179	
Norfolk Borough, -	633	
Petersburg, -	691	
Lynchburg, -	310	
Fredericksburg, -	274	
Winchester, -	306	
Staunton, -	131	
Total, -	92,856	

The foregoing statement is furnished in compliance with the resolution adopted by the Convention on the 12th instant, but is confined to the land books of 1828, those of 1829 not having been all received. It is believed that the results of the two years would not



be materially variant. The statement furnished, embraces of course according to the terms of the resolution, all persons charged with taxes on a quantity of land not less than 25 acres, or on a lot or part of a lot in town, whether such persons be females, infants or coloured people; but persons who are charged with taxes on more than one tract of 25 acres and upwards, or upon more than one lot or part of a lot in town, are only once counted, where the said lands and lots lie in the same county or town. In cases where the taxes on lands or lots have been charged to the same person, but in different counties or towns, no allowance or deduction has been made on that account, but such person has been counted in every county or town where so charged.

JA'S E. HEATH, *Auditor*  
*Of Public Accounts.*

*Auditor's Office, 15th October, 1829.*

**A STATEMENT**

*Shewing the area of each County within this Commonwealth, ascertained by reducing the square miles in Boye's map, into acres; and also the number of acres assessed in each county, by the Principal Assessors, under the Act of March 1819; arranged into Districts, as requested by a Resolution of the Convention, adopted on the 10th instant.*

<i>Counties.</i>	<i>Area in acres.</i>	<i>No. of acres assessed.</i>	
Brooke,	129,280	98,546	
Cabell,	661,120	154,003	
Grayson,	593,280	274,717	
Greenbrier,	901,760	583,472	
Giles,	598,400	720,133	
Harrison,	700,800	482,004	
Kanawha,	1,337,600	2,990,566	
Lee,	327,680	1,810,857	
Lewis,	1,122,560	694,573	
Logan,	1,875,200		See Giles, Kanawha, Cabell and Tazewell.
Mason,	578,560	303,442	
Monroe,	392,960	383,234	
Monongalia,	461,440	815,516	
Montgomery,	696,960	376,483	
Nicholas,	915,840		See Kanawha, Green- brier and Randolph.
Ohio,	240,000	220,037	
Pocahontas,	508,160		See Bath, Pendleton and Randolph.
Preston,	384,640		See Monongalia.
Randolph,	1,319,040	1,636,331	
Russell,	876,800	1,268,271	
Scott,	399,360	609,644	
Tazewell,	835,200	894,324	
Tyler,	547,200	935,817	
Washington,	482,560	410,655	
Wood,	782,720	493,825	
Wythe,	638,720	333,166	
1st District,	18,307,840	16,489,616	

<i>Counties.</i>	<i>Area in acres.</i>	<i>No. of acres assessed.</i>	
Alleghany,	333,440		See Bath, Botetourt and Monroe.
Augusta,	606,720	475,448	
Bath,	508,800	391,863	
Berkeley,	197,120	269,810	
Botetourt,	676,480	617,109	
Frederick,	476,800	403,462	
Hardy,	739,840	601,118	
Hampshire,	632,960	590,170	
Jefferson,	144,000	131,038	
Morgan,	173,440		See Berkeley and Hampshire.
Pendleton,	639,360	475,619	
Rockingham,	533,120	433,149	
Rockbridge,	435,200	393,925	
Shenandoah,	490,880	499,730	
2d District,	6,588,160	5,282,441	
Albemarle,	436,480	451,530	
Amelia,	227,840	213,590	
Amherst,	305,280	295,006	
Bedford,	493,440	429,038	
Brunswick,	371,200	333,074	
Buckingham,	480,000	422,313	
Campbell,	408,320	361,165	
Charlotte,	318,080	299,725	
Culpeper,	396,800	383,430	
Cumberland,	180,480	183,875	
Dinwiddie,	344,960	317,206	
Fluvanna,	179,200	176,856	
Fauquier,	439,680	375,705	
Franklin,	493,440	525,739	
Goochland,	174,080	191,918	
Halifax,	507,520	489,400	
Henry,	229,120	198,246	
Loudoun,	343,040	300,695	
Louisd,	296,960	304,266	
Lunenburg,	256,000	256,155	
Madison,	189,440	215,198	

<i>Counties.</i>	<i>Area in acres.</i>	<i>No. of acres assessed.</i>
Mecklenburg,	471,040	384,940
Nelson,	318,080	272,594
Nottoway,	190,080	186,737
Orange,	316,160	305,790
Patrick,	346,240	707,138
Pittsylvania,	570,240	573,740
Powhatan,	179,200	177,594
Prince Edward,	240,000	237,062
3d District,	9,702,400	9,569,725
Accomack,	336,640	220,368
Charles City,	138,240	109,878
Caroline,	360,320	333,919
Chesterfield,	299,520	287,260
Essex,	196,480	159,750
Elizabeth City,	55,680	33,332
Fairfax,	284,160	247,753
Greensville,	208,000	178,770
Gloucester,	192,640	131,866
Hanover,	277,120	279,740
Henrico,	186,240	155,235
Isle of Wight,	256,000	174,325
James City,	96,000	90,059
King George,	162,560	108,784
King & Queen,	214,400	189,674
King William,	172,800	155,709
Lancaster,	103,040	79,748
Mathews,	81,280	54,385
Middlesex,	119,680	79,301
Nansemond,	284,160	234,123
Norfolk,	313,600	80,172
New Kent,	166,400	127,315
Northumberland,	188,800	115,328
Northampton,	192,640	103,719
Princess Anne,	239,360	148,103
Prince George,	195,200	171,969
Prince William,	236,800	207,720
Richmond,	124,160	112,072

<i>Counties.</i>	<i>Area in acres.</i>	<i>No. of acres assessed.</i>
Southampton,	414,720	355,364
Spottsylvania,	240,000	242,749
Surry,	306,720	156,841
Sussex,	297,600	276,240
Stafford,	214,400	164,173
Warwick,	60,800	41,236
Westmoreland,	202,240	139,464
York,	95,360	69,069
4th District,	7,413,760	5,815,513
Total in 1st Dis't.	18,307,840	16,489,616
do. in 2d do.	6,588,160	5,282,441
do. in 3d do.	9,702,400	9,569,725
do. in 4th do.	7,413,760	5,815,513
	42,012,160	37,157,295

The column in the foregoing statement, shewing the number of acres assessed under the Act of March 1819, and which is derived from the report of the principal assessors, is obviously inaccurate from the following considerations: 1st. A considerable portion of the lands forfeited to the President and Directors of the Literary Fund, under the Act of February 1814, was not re-assessed. 2dly. The lands for which grants have subsequently issued, are necessarily excluded. 3dly. The many surveys, which under our land system, cover the same territory, exhibit in some counties two-fold, and in others four-fold the actual quantity of land within their boundaries. This latter remark is particularly applicable to the western parts of the State. How it happens, that in some few of the eastern counties, where it is presumed titles to land are fixed, and their boundaries clearly ascertained, the quantity assessed exceeds the actual area, I can only account for, by supposing some error in the tables of the principal assessors, or in the computation of the number of square miles from which the area in acres is deduced.

JAS E. HEATH, *Auditor*  
Of Public Accounts.

*Auditor's Office, 16th October, 1829.*

No.

183670	9501	205501	148	402336
9723	2100	4480	-	15966
1954	538	2967	-	5255
6492	486	10999	26	18008
6317	947	9513	-	18003
3465	364	6046	-	9909
1238	70	1643	-	3789
7035	507	4673	-	11404
2398	280	4512	-	6848
3237	464	5208	-	9678
5952	381	8756	-	15867
8999	865	5417	-	11600
4735	938	4297	21	10139
1374	467	1677	-	3161
2598	263	3504	-	6116
4335	297	6041	-	11798
3139	238	6010	-	9697
2890	185	2944	-	5517
2985	118	3186	-	6920
1603	135	2166	-	4057
5809	1393	4526	-	10494
7551	892	5924	7	15465
2523	334	3739	-	6630
3679	614	3268	-	8016
2931	1013	3323	-	7705
5200	251	3703	-	8768
2795	588	4323	-	8030
6975	278	4380	-	9419
5334	293	2654	-	5706
6461	1306	6737	-	14170
5875	591	7724	-	14254
2777	612	3340	-	6594
4532	684	7043	-	11884
5435	361	4368	-	9517
614	34	954	-	1608
-	477	3393	-	6901
1266	631	2165	-	4384
3850	599	3261	-	8478
1606	1163	2428	-	6690
2837	1235	4387	-	12067
-	85	783	-	1402
159710	23077	176496	54	361314

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those of importance, with the exception of those for  
slaves and slaves, may, without question, as ascer-  
ber given in this District exceed the aggregate  
give an as stated will produce, which errors, &c.

[Turn over]

# 1820.

Free whites.	Free coloured.	Slaves.	All other free persons, except Indians not taxed.	TOTAL.
139119	1022	19366	40	147540
121096	3275	29785	6	154162
187186	9501	205501	148	402336
161687	23077	176496	54	361314
603081	36875	425146	249	1065359
603008	36889	425153	250	1065300

## -PER CENT.

On popula- tion of 1800.	On popula- tion of 1810.
From 1800 to 1810.	From 1810 to 1820.
47	47½
32	41
65½	46
47½	29½
14	11½
84	26

# REPORT

## OF THE

### JUDICIAL COMMITTEE.

[October 30th, 1899.]

---

The committee to whom was referred the Judicial department of government, as established by the present Constitution, have according to order, had the same under consideration, and report, in part, the following resolutions thereupon :

1. Resolved, that the Judicial power shall be vested in a Court of Appeals, in such inferior Courts as the Legislature shall from time to time ordain and establish, and in the County Courts. The jurisdiction of these tribunals shall be regulated by law. The Judges of the Court of Appeals and of the inferior Courts shall hold their offices during good behaviour, or until removed in the manner prescribed in this Constitution ; and shall, at the same time, hold no other office, appointment or public trust : and the acceptance thereof by either of them shall vacate his judicial office. No modification or abolition of any Court shall be construed to deprive any Judge thereof of his office ; but such Judge shall perform any judicial duties which the Legislature shall assign him.

2. Resolved, that the present Judges of the Court of Appeals, Judges of the General Court, and Chancellors remain in office until the expiration of the first session of the Legislature held under the new Constitution, and no longer. But the Legislature may cause to be paid to such of them as shall not be re-appointed, such sum as, from their age, infirmities and past services, shall be deemed reasonable.

3. Resolved, that Judges of the Court of Appeals and inferior courts, except Justices of the County Courts, and the Aldermen, other Magistrates of Corporation Courts, shall be elected by the turrent vote of both Houses of the General Assembly, each one voting separately, and having a negative on the other ; the members thereof voting viva voce. The votes of the



members shall be entered on the Journals of their respective Houses. Should the two Houses in any case fail to concur in the election of a Judge, during the session, the Governor shall decide the election, by appointing one of the two persons who first received a majority of votes in the Houses in which they were respectively voted for. But if any vacancy shall occur, during the recess of the General Assembly, the Governor, or other person performing the duty of Governor, may appoint a person to fill such vacancy, who shall continue in office until the end of the next succeeding session of the General Assembly.

4. Resolved, that the Judges of the Court of Appeals and of the inferior Courts shall receive fixed and adequate salaries, which shall not be diminished during their continuance in office.

5. Resolved, that on the creation of any new county, Justices of the Peace shall be appointed in the first instance as may be prescribed by law. When vacancies shall occur in any county, or it shall, for any cause, be deemed necessary to increase their number, appointments shall be made by the Governor, by and with the advice and consent of the Senate, on the recommendation of their respective County Courts.

6. Resolved, that the Clerks of the several Courts shall be appointed by their respective Courts, and their tenure of office be prescribed by law.

7. Resolved, that the Judges of the Court of Appeals and of the inferior Courts, offending against the State, either by maladministration, corruption, or neglect of duty, or by any other high crime or misdemeanor, shall be impeachable by the House of Delegates; such impeachment to be prosecuted before the Senate. If found guilty by two-thirds of the whole Senate, such persons shall be removed from office. And any Judge so impeached shall be suspended from exercising the functions of his office until his acquittal, or until the impeachment shall be discontinued or withdrawn.

8. Resolved, that Judges may be removed from office by a vote of the General Assembly; but two-thirds of the whole number of each House must concur in such vote, and the cause of removal shall be entered on the Journals of each. The Judge against whom the Legislature is about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereupon.

# REPORT

## OF THE

### EXECUTIVE COMMITTEE.

[October 20, 1829.]

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The committee, appointed on the Executive branch of the Constitution, have, according to order, had under consideration the subjects to them referred, and have come to the following resolutions thereupon :

1. Resolved, that the chief Executive office of this Commonwealth ought to be vested in a Governor.

2. Resolved, that there ought to be appointed a Lieutenant Governor of this Commonwealth.

3. Resolved, that the Executive Council, as at present organized, ought to be abolished, and that it is inexpedient to provide any other Executive Council.

4. Resolved, that in case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties and powers of his office, the said powers and duties shall devolve on the Lieutenant Governor; and the Legislature may provide for the case of removal, death, or similar inability of the Lieutenant Governor.

5. Resolved, that the sheriffs of the different counties in the Commonwealth, shall hereafter be elected by the voters qualified to vote for the most numerous branch of the Legislature.

6. Resolved, that the commissioned officers of militia companies be nominated to the Executive by a majority of their respective companies.

7. Resolved, that the field officers of regiments be nominated to the Executive by a majority of the commissioned officers of their respective regiments.

8. Resolved, that no pardon shall be granted in any case until after conviction or judgment.



## PROPOSITION

SUBMITTED BY MR. POWELL.

[October 20, 1889.]

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Resolved, that the Executive department of the existing form of government ought to be amended as follows :

SEC. 1. The Executive power shall be vested in a Governor. He shall hold his office for                    years, and be ineligible for the term of                    years thereafter : And a Lieutenant Governor shall be chosen at the same time, for the same term and under like restrictions.

SEC. 2. The Lieutenant Governor shall act as President of the Senate, but he shall have no right to vote except the Senate be equally divided upon any question ; in which case he shall have the casting vote.

SEC. 3. No person shall be eligible to the office of Governor or Lieutenant Governor, except a citizen of this Commonwealth, nor any who shall not have attained the age of                    years, and who shall not have resided                    years next preceding his election in the State.

SEC. 4. The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the most numerous branch of the Legislature, by the voters qualified to vote for the members of the General Assembly ; provided that the election shall take place throughout the Commonwealth on the same day. The persons respectively having the highest number of votes for Governor and Lieutenant Governor, shall be elected. In case two or more persons shall have an equal number of votes for Governor or for Lieutenant Governor, the Legislature shall immediately by joint vote of both Houses, choose of the persons having an equal number of votes for Governor or for Lieutenant Governor, the Governor or Lieutenant Governor, as the case may be.

SEC. 5. The Governor shall be commander-in-chief of the militia. He shall have power to convene the Legislature on extraordinary occasions. He shall from time to time give information to the Legislature of the condition of the Commonwealth, and recommend to their consideration such measures as he shall judge necessary and expedient. He shall expedite all such measures as

may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed.

SEC. 6. The Governor and Lieutenant Governor shall at stated times, receive for their services a compensation, which shall neither be increased nor diminished during the term for which they shall have been elected.

SEC. 7. The Governor shall have power to grant reprieves and pardons after conviction for all offences, except treasons and in cases of impeachment. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next session, when the Legislature may pardon, or direct the execution of the criminal, or grant a farther reprieve.

SEC. 8. In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of his office, his powers and duties shall devolve on the Lieutenant Governor; and in case of the removal, death, or resignation, or like inability of the Lieutenant Governor, the Legislature may provide by law upon whom the duties of the Governor shall devolve, until such disabilities shall be removed, or a Governor shall be elected.

SEC. 9. The Governor shall have power to nominate, and by and with the advice and consent of the Senate, appoint Judges of the Supreme Court or Court of Final Jurisdiction, and Judges of such inferior Courts as may from time to time be established by law; all militia officers from the rank of Colonel inclusive; the Treasurer, Auditor of Public Accounts, Register of the Land Office, and Attorney General. The Legislature may by law vest the appointment of all other officers of the Commonwealth, whose appointments are not herein otherwise provided for, in the Governor alone, or in the Governor with the advice and consent of the Senate, or in the Courts of Law.

SEC. 10. The Governor shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of the next session of the body.

SEC. 11. The Governor shall have power to require in writing the opinions of the Lieutenant Governor, and of the Attorney General, upon all matters appertaining to the duties of his office.

SEC. 12. No person, whose tenure of office depends on the pleasure of the Governor, shall be removed from office without the advice or consent of the Senate to such removal. But the Governor shall have power, at any time, to suspend such officer, and appoint another to discharge the duties of his office, until the next session of the Senate, and until their advice and consent to such removal shall be ascertained and expressed.

## PROPOSITION

SUBMITTED BY MR. MORGAN.

[October 20, 1839.]

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The Executive power shall be vested in a Governor and a Lieutenant Governor, to assist in the administration of the affairs of Government when required by the Governor ; and who shall act as Governor in case of the death, resignation, or removal of the Governor from office, until another be appointed ; and in case of impeachment, temporary incapacity of any kind, or absence of the Governor from the seat of Government, until his restoration or return : And, if at any time there shall be no acting Governor, and the Lieutenant Governor shall be impeached, or from any other cause not acting, the Executive authority shall devolve on, and be exercised by, some person appointed by law for that purpose.

The Governor and Lieutenant Governor shall be annually appointed by joint ballot of the Senate and House of Delegates, and their terms of office shall end on the last day of December of every year ; but no person shall be eligible to the office of Governor for more than three years at any one time, nor again, until after he shall have been out of that office four years ; and in like manner after the end of every three years of service.

The Governor shall exercise the Executive power of the Government, according to the laws of the Commonwealth, and see that they shall be faithfully executed. He may, at his own discretion, and shall, on application of a majority of the Senate or House of Delegates, convene the General Assembly : And he shall have power to grant reprieves and pardons, except where the prosecution shall have been carried on by the House of Delegates, or the law shall otherwise particularly direct ; in which cases, the House of Delegates shall alone have and exercise the power of granting them : but no pardon shall be granted in any case until after judgment or conviction.



## PROPOSITION

SUBMITTED BY MR. NICHOLAS.

[October 21st, 1839.]

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Resolved, that the 9th and 10th sections of the present Constitution be retained, and that the 11th be substituted by the following resolution :

A Privy Council or Council of State, consisting of four members, shall be chosen by joint ballot of both Houses of Assembly, either from their own members, or the people at large, to assist in the administration of Government. They shall annually choose out of their own members, a Lieutenant Governor, who in case of the death, inability, or necessary absence of the Governor from the Government, shall act as Governor. The Governor shall be the President of the Council, and shall in all cases of division have the casting vote. Two members with the Governor or Lieutenant Governor, as the case may be, shall be sufficient to act, and their advice and proceedings shall be entered of record, and signed by the members present (to any part whereof any member may enter his dissent) to be laid before the General Assembly, when called for by them. The members of the Council shall be elected by joint ballot of both Houses of the General Assembly, for four years. At the first election, the two Houses shall, by joint resolution, divide the persons elected into two classes. The seats of the Councillors of the first class shall be vacated at the expiration of the second year ; of the second class at the expiration of the fourth year ; so that one half may be chosen every second year : and if vacancies happen by resignation, or otherwise, they shall be filled by joint ballot of the two Houses of the General Assembly. An adequate, but moderate salary, shall be settled on them, during their continuance in office, and they shall be incapable during that time, of sitting in either House of Assembly.





*Sheriffs within this Commonwealth, for the  
of taxation, and the amount paid into  
into Districts, as required by a resolu-*

	Amount paid into the treasury after deduct- ing commissions and insolventcies.	
<i>First District—West of the Alleghany Mountain.</i>	1529 84.	
	934 77	
	739 67	
	2214 17	
	617 28	
	1639 13	Judgment against sheriff for \$141 71 cents not included.
	1935 44	
	796 70	
	687 32	\$ 9 90 balance due.
	295 15	\$ 17 88 balance due.
	1092 80	
	1475 78	
	1772 18	
	2151 77	Judgment against sheriff for \$ 48 45 cents not included.
	303 31	\$ 105 balance due, to be covered by insolvents.
	3438 39	
	521 07	\$ 50 balance due—no insolvents returned.
	587 10	
	614 62	
	876 06	
	743 23	
	960 73	
	587 64	Including \$ 5 52 balance due.
	3498 13	
	1044 58	
	2713 28	
	<b>\$3770 14</b>	

Total, including tax on licenses.	Amount paid into the treasury, after deducting commissions and insolvencies.	
681 64	633 12	No insolvents returned.
2416 22	7802 21	
1273 26	1184 84	
4192 53	3886 99	
4760 08	4373 39	
11850 97	11011 65	
3011 80	2669 11	
3132 51	2802 83	
6241 01	5776 15	
685 20	582 39	
1555 55	858 40	§ 9-98 due.
6229 09	5776 63	
4313 11	3911 37	Judgment against sheriff for \$ 615 05 cents not included.
6194 15	5692 98	
62537 22	56962 06	§ 15 20, additional due. Including § 23 75, still due.
10060 37	9224 39	
4266 79	3957 43	
4432 25	4030 88	
6051 44	5606 09	
5277 76	4893 86	
7218 97	6645 84	
11196 99	9771 29	
6216 51	5713 12	
7150 66	6585 71	
4593 95	4206 14	
4823 62	4383 36	
3067 10	2794 43	
8969 00	8317 15	
3180 60	2932 49	
4773 43	4315 60	
8912 33	8144 09	
1816 76	1710 49	
11623 50	10507 29	
5518 52	5120 47	
3671 93	3405 62	
3020 32	2799 26	
6992 00	6487 47	
4017 91	3674 27	
3839 75	3572 11	
5357 11	4903 38	
1261 58	1065 16	
7413 20	6778 99	
4004 84	3666 40	
5441 34	5032 38	
164170 53	150265 16	

*Fourth District—Below Tide Water.*

COUNTIES AND TOWNS.	Tax on lands and lots.
Accomack, . . . . .	1860
Charles City, . . . . .	799
Caroline, . . . . .	2380
Chesterfield, . . . . .	2928
Essex, . . . . .	1171
Elizabeth City, . . . . .	480
Fairfax, . . . . .	2203
Greensville, . . . . .	935
Gloucester, . . . . .	985
Hanover, . . . . .	2573
Henrico, . . . . .	3183
	Due, left
Ile of Wight, . . . . .	999
James City, . . . . .	301
King George, . . . . .	1018
King & Queen, . . . . .	1037
King William, . . . . .	1194
Lancaster, . . . . .	456
Matthews, . . . . .	378
Middlesex, . . . . .	372
Nansemond, . . . . .	1108
Norfolk, . . . . .	2056
New Kent, . . . . .	621
Northumberland, . . . . .	597
Northampton, . . . . .	982
Princess Anne, . . . . .	1156
Prince George, . . . . .	1011
Prince William, . . . . .	1868
Richmond, . . . . .	675
Southampton, . . . . .	1455
Spottsylvania, . . . . .	2455
Surry, . . . . .	631
Sussex, . . . . .	1176
Stafford, . . . . .	1292
Warwick, . . . . .	169
Westmoreland, . . . . .	810
York, . . . . .	281
Richmond City, . . . . .	6815
	Treasury, in
Petersburg, . . . . .	2995
Williamsburg, . . . . .	197
Norfolk Borough, . . . . .	3832
	for insolt
	57456
	25

**RE.**

	Tax on lands and lots.	Tax on slaves.
Total in the first District, west of the Alleghany,	16761 24	4222 6
Total in the second District, between the Blue Ridge and Alleghany,	33951 40	8561 05
Total in the third District, between the Blue Ridge and Tide Water,	67367 50	56323 39
Total in the fourth District, below Tide Water,	57456 29	45739 01
Grand Total,	175536 43	114846 15

*Auditor's Office, October 20, 1829.*

**RE****REPORT**

OF THE

**COMMITTEE ON THE BILL OF RIGHTS, &c.**

[October 22d, 1829.]

Tax on slaves.

4893

8561 45

56923 35

45739 01

114846 15

The committee to whom was referred the Bill or Declaration of Rights, and all such parts of the present Constitution as are not referred to the committees on the Legislative, Executive and Judicial departments of the Government, have, according to order, had the subjects to them referred under their consideration, and have further in part performance of the duties devolved on them, agreed upon the following resolutions :

1. Resolved, as the opinion of this committee, that the Constitution of this State, ought to be so amended, as to provide a mode in which future amendments shall be made therein.

2. Resolved, that the first and second sections of the present Constitution ought to be stricken out, and that an introductory clause, adapted to the amended Constitution, be substituted in lieu thereof.

3. Resolved, that the twelfth, twenty-first and twenty-second sections of the present Constitution ought to be stricken out, as no longer necessary.

4. Resolved, that the freedom of Speech, and of the Press, ought to be held sacred, and guaranteed by the Constitution.

5. Resolved, that no title of nobility shall be created or granted, and no person holding any office of profit or trust, under the United States, or under any King, Prince, or foreign State, shall hold any office, under this State.

6. Resolved, as the opinion of this committee, that the Constitution ought to be so amended as to provide ; " that no man shall be compelled to frequent or support, any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions, or belief ; but that all men, shall be free to profess, and by argument to maintain their opinions, in matters of religion ; and that the same shall in no wise, diminish, enlarge, or affect their civil capacities."



## PROPOSITION

SUBMITTED BY MR. TAYLOR, OF NORFOLK BOROUGH.

[October 23d, 1829.]

Resolved 1st, that the elective franchise should be *uniform*; so that, throughout the State, similar qualifications should confer a similar right of suffrage.

Resolved 2d, that, among those entitled by the Constitution to exercise the elective franchise, there should be *entire equality of suffrage*; so that, in all elections, the suffrage of one qualified voter should avail as much as that of another qualified voter, whatever may be the disparity of their respective fortunes.

Resolved 3d, that equal numbers of qualified voters are entitled to equal representation, throughout the State.

Resolved 4th, that as *individual suffrage* should be *equal*, without respect to the disparity of individual fortune, so an *equal number* of qualified voters are entitled to equal representation, without regard to the disparity of their *aggregate* fortunes.

Resolved 5th, that in all pecuniary contributions to the public service, regard should be had to the ability of individuals to contribute; and as this ability to pay, from disparity of fortune is *unequal*, it would be unjust and oppressive to require *each* citizen to pay an *equal* amount of public taxes.





## REPORT

OF THE

## LEGISLATIVE COMMITTEE.

[October 24th, 1839.]

The committee appointed on the Legislative Department of the Government, have according to order had under consideration the subjects referred to them, and have agreed to the following Report:

1. Resolved, that in the apportionment of representation in the House of Delegates, regard should be had to the white population exclusively.

2. Resolved, that a Census of the population of the State, for the purpose of apportioning the representation, should be taken in the year 1831, the year 1845, and thereafter at least once in every twenty years.

3. Resolved, that the right of suffrage shall continue to be exercised by all who now enjoy it under the existing Constitution: Provided, that no person shall vote by virtue of his freehold only, unless the same shall be assessed to the value of at least                    dollars, for the payment of taxes, if such assessment be required by law: and shall be extended, 1st, to every free white male citizen of the Commonwealth resident therein, above the age of twenty-one years, who owns, and has possessed for six months, or who has acquired by marriage, descent, or devise, a freehold estate, assessed to the value of not less than                    dollars for the payment of taxes, if such assessment shall be required by law; 2d, or who shall own a vested estate in fee, in remainder, or reversion, in land, the assessed value of which shall be                    dollars; 3d, or who shall own and have possessed a leasehold estate with the evidence of title recorded, of a term originally not less than five years, and one of which shall be unexpired, of the annual value, or rent of                    dollars; 4th, or who for twelve

19 months next preceding, has been a house-keeper and head of a  
 20 family within the county, city, borough or election district,  
 21 where he may offer to vote, and who shall have been assessed  
 22 with a part of the revenue of the Commonwealth within the  
 23 preceding year, and actually paid the same: Provided, never-  
 24 theless, that the right of suffrage shall not be exercised by any  
 25 person of unsound mind, or who shall be a pauper, or a non-  
 26 commissioned officer, soldier, sailor or marine, in the service  
 27 of the United States, nor by any person convicted of any in-  
 28 famous offence; nor by citizens born without the Common-  
 29 wealth, unless they shall have resided therein for five years  
 30 immediately preceding the election at which they shall offer to  
 31 vote; and two years preceding the said election, in the county,  
 32 city, borough or election district, where they shall offer to vote,  
 33 (the mode of proving such previous residence, when disputed,  
 34 to be prescribed by law,) and shall possess, moreover, some one  
 35 or more of the qualifications above enumerated.

4. Resolved, that the number of members in the Senate of  
 2 this State ought to be neither increased nor diminished, nor  
 3 the classification of its members changed.

5. Resolved, that the number of members in the House of  
 2 Delegates ought to be reduced, so that the same be not less  
 3 than one hundred and twenty, nor more than one hundred and  
 4 fifty.

6. Resolved, that no person ought to be elected a member of  
 2 the Senate of this State, who is not at least thirty years of age.

7. Resolved, that no person ought to be elected a member of  
 2 the House of Delegates of this State, who is not at least twenty-  
 3 five years of age.

8. Resolved, that it ought to be provided, that in all elections  
 2 for members of either branch of the General Assembly, and in  
 3 the election of all officers which may be required to be made  
 4 by the two Houses of Assembly, jointly, or in either separately,  
 5 with the exception of the appointment of their own officers, the  
 6 votes should be given openly, or *viva voce*, and not by ballot.

9. Resolved, that no man shall be compelled to frequent or  
 2 support any religious worship, place, or ministry whatsoever;  
 3 nor shall be enforced, restrained, molested, or burthened in his  
 4 body or goods, nor shall otherwise suffer on account of his reli-  
 5 gious opinions or belief; but that all men shall be free to pro-  
 6 fess, and by argument to maintain, their opinions in matters of  
 7 religion, and that the same shall in no wise diminish, enlarge,  
 8 or affect their civil capacities. .

9 That the Legislature shall have no power to prescribe any  
 10 religious test whatever, nor to establish by law any subordina-  
 11 tion or preference between different sects or denominations, nor  
 12 confer any peculiar privileges or advantages on any one sect or

11. Resolved, that private property ought not to be taken for  
2 public uses without just compensation.

12. Resolved, that the members of the Legislature shall re-  
2 ceive for their services a compensation, to be ascertained by  
3 law, and paid out of the public treasury; but no law increasing  
4 the compensation of members of the Legislature, shall take ef-  
5 fect until the end of the next annual session after the said law  
6 may have been enacted.

13. Resolved, that no Senator or Delegate shall, during the  
2 term for which he shall have been elected, be appointed to any  
3 civil office of profit under this State, which shall have been  
4 created, or the emoluments of which shall have been increased  
5 during such term, except such offices as may be filled by elec-  
6 tions by the people.



## AMENDMENT

*Proposed by Mr. LEIGH, of Chesterfield, to 1st Resolution of the Legislative Committee, and rejected by the Committee of the Whole.*

[November 17th, 1839.]

Representation in the House of Delegates be apportioned  
2 among the several counties, cities and towns, of the Common-  
3 wealth, according to their respective numbers, which shall be  
4 determined by adding to the whole number of free persons, in-  
5 cluding those bound to service for a term of years, and exclu-  
6 ding Indians not taxed, three-fifths of all other persons.

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## AMENDMENT

*Proposed by Mr. DODDRIDGE, to the 2d Resolution of the Legislative Committee, and not acted on.*

[November 17th, 1839.]

Resolved, that in order to apportion representation, there shall  
2 be a Census of the population taken in the year 1835, and  
3 once in every tenth year thereafter, in such manner as shall be  
4 provided for by law ; and upon the first Census to be taken un-  
5 der the laws of the United States, and upon each subsequent  
6 Census to be taken under the laws of this State, there shall be  
7 a new apportionment of representation, and a new assessment  
8 of real estate, for the purposes of taxation.

## AMENDMENT

*Proposed by Mr. LEIGH, to 3d Resolution of Legislative Committee, and rejected by Committee of the whole House.*

[November 19th, 1829.]

1. Every male citizen of the Commonwealth, resident therein,
- 2 (other than free negroes and mulattoes,) aged 21 years and up-
- 3 wards, qualified to exercise the right of suffrage, by the exist-
- 4 ing Constitution and laws,—
- 5 2. And every such citizen being possessed, or whose tenant
- 6 for years, at will, or at sufferance, is possessed, of land of the
- 7 assessed value of            dollars, and having an estate of freehold
- 8 therein,—
- 9 3. And every such citizen being possessed, as tenant in com-
- 10 mon, jointenant or coparcener, of an interest in or share of
- 11 land, and having an estate of freehold therein, such interest or
- 12 share being of the value of            dollars,—
- 13 4. And every such citizen being entitled to a reversion or
- 14 vested remainder in fee, expectant on any estate for life or lives,
- 15 in land of the assessed value of            dollars,—
- 16 5. And every such citizen being possessed of a leasehold es-
- 17 tate in land, claiming under a lease renewable at the option of
- 18 the lessee absolutely, or upon payment of a fine or performance
- 19 of other condition; the yearly value of such land being
- 20 dollars,—
- 21 6. Each and every such citizen, unless his title shall have
- 22 come to him by descent, devise, marriage or marriage settle-
- 23 ment, having been so possessed or entitled for six months,—
- 24 And no other persons,—
- 25 Shall be qualified to vote for members of the General Assem-
- 26 bly, in the county, city or borough, respectively, wherein the
- 27 land lieth :—
- 28 Provided, that no person shall be entitled to vote more than
- 29 once, or at more places than one, in any election ;—
- 30 And provided, that non-commissioned officers, soldiers, sailors
- 31 and marines in the land or naval service of the United States,
- 32 shall not be qualified to vote ;—
- 33 And provided, that the Legislature may by law deprive any
- 34 persons of the right of suffrage, for crimes whereof they shall
- 35 or may be convicted.

## AMENDMENT

*Proposed by Mr. STANARD, to the amendment offered by Mr. LEIGH to the 3d Resolution of the Legislative Committee, and rejected by the Committee of the Whole.*

[November 19th, 1829.]

After the sixth paragraph, insert :

And every such citizen who shall be a lessee of a tenement  
2 of the yearly value of \$           , for a term of            or more  
3 years by deed duly recorded three months before the time  
4 he may offer to vote and of which lease at least            years  
5 shall be unexpired at the time he offers to vote.

And every such citizen who shall within one year before he  
2 may offer to vote, have a tax or taxes to the amount of  
3 assessed on property, whether real or personal owned by him,  
4 and shall have actually paid such tax or taxes at least three  
5 months before he shall so offer to vote.

## AMENDMENT

*Proposed by Mr. WILSON, to the 3d Resolution of the Legislative Committee, and rejected by the Committee.*

[November 19th, 1829.]

Resolved, that every free white male citizen of this Com-  
2 monwealth, of the age of twenty-one years and upwards, who  
3 shall have resided in the State two years, and in the county  
4 where he proposes to vote, one year, next preceding the time  
5 of offering such vote; who shall have been enrolled in the  
6 militia, if subject to military duty; and who shall have paid all  
7 levies and taxes, assessed upon him or his property, for the  
8 year preceding that in which he offers to vote, provided such  
9 taxes shall have been demanded of him, shall have a right to  
10 vote for members of the General Assembly: Provided, that no  
11 person shall be permitted to exercise the right of suffrage, who  
12 is a pauper; who is of unsound mind; who has been convicted  
13 of any infamous crime; or who shall be a non-commissioned



14 officer, or private soldier, seaman or marine, in the regular ser-  
 15 vice of the United States, or of this Commonwealth. And  
 16 the Legislature shall prescribe the mode of trying and deter-  
 17 mining disputes, concerning the said qualifications of voters,  
 18 whenever the right of a person to vote shall be questioned.

## AMENDMENT

*Proposed by Mr. CAMPBELL of Brooke, to the 3d resolution of the  
 Legislative Committee, and rejected by the Committee.*

[November 19th, 1829.]

1. Resolved, that all persons now by law possessed of the right  
 2 of suffrage, have sufficient evidence of permanent common in-  
 3 terest with, and attachment to, the community, and have the  
 4 right of suffrage.

2. Resolved, that all free white males of twenty-two years of  
 2 age, born within this Commonwealth, and resident therein, have  
 3 sufficient evidence of permanent common interest with, and at-  
 4 tachment to, the community, and have the right of suffrage.

3. Resolved, that every free white male of twenty-one years  
 2 of age, a citizen of the United States, not included in the two  
 3 preceding resolutions, who is now a resident, or who may here-  
 4 after become a resident within this Commonwealth, who is de-  
 5 sirous of having the rights of a citizen in this Commonwealth,  
 6 shall, in open court in the county in which he resides, as may  
 7 be prescribed by law, make a declaration of his intention to  
 8 become a permanent resident in this State; and if such person  
 9 shall, twelve months after making such declaration, solemnly  
 10 promise to submit to and support the Government of this Com-  
 11 monwealth, such person shall be considered as having perma-  
 12 nent common interest with, and attachment to, the community,  
 13 and shall have the right of suffrage.

4. Resolved, that all paupers except such as shall have ren-  
 2 dered important services to their country, all persons of unsound  
 3 mind, and all persons convicted of any high crime or misde-  
 4 meanor against this Commonwealth, possessing whatever other  
 5 qualifications they may, shall not be permitted to exercise the  
 6 right of suffrage in this Commonwealth.

## AMENDMENT

*Proposed by Mr. SUMMERS, to the 3d Resolution of the Legislative Committee, and rejected in Committee of the Whole.*

[November 19th, 1829.]

Or who having resided two years in the county, city, town, or election district, shall have been assessed with and paid to the Commonwealth, any part of the revenue of the preceding year.

## AMENDMENT

*Proposed by Mr. COOKE, to the 3d Resolution of the Legislative Committee, and rejected by the Committee of the Whole.*

[ November 19th, 1829. ]

That the electors of all Executive, Legislative, or other functionaries, in this Commonwealth, whose election shall be submitted directly to the people by the provisions of any new Constitution, or amendment of the old, to be framed by the Convention now assembled, shall be

All white male citizens of the United States, of the age of twenty-one years or upwards, and resident in the county, city, borough, or other electoral district, where they shall respectively offer to vote, at the time of any election : except,

That citizens of the United States; born in the United States, but without the limits of the Commonwealth, shall not enjoy the right of suffrage, unless they shall have resided therein for years immediately preceding the election at which they shall respectively offer to vote, and immediately preceding such election in the county, city, borough or other electoral district, where they shall respectively offer to vote ; the mode of proving such residence to be prescribed by law.

That naturalized citizens of the United States shall not enjoy the right, until, in addition to the qualification of residence required by the next preceding clause, they shall have respectively acquired by marriage, descent or devise, a freehold estate in land of the assessed value of dollars, situated within the

6 Commonwealth, (the title to which, if acquired by purchase,  
7 shall have been evidenced by a recorded deed, or will,) and  
8 shall have been in possession of the same for the space of  
9 before any election at which they shall res-  
10 pectively offer to vote; the mode of proving the previous resi-  
11 dence required by this clause, to be prescribed by law.

That no person shall exercise the right of suffrage at any  
2 election, unless he shall have actually paid a State, county or  
3 corporation tax imposed on him by law, and legally demanded  
4 of him, during the two years immediately preceding such elec-  
5 tion; the mode of proving or disproving such payment, if dis-  
6 puted, to be prescribed by law.

That no person convicted of any infamous offence, shall at  
2 any election thereafter, enjoy or exercise the right of suffrage;  
3 the enumeration of such offences to be made by law.

That the right of suffrage shall not be enjoyed or exercised  
2 by any pauper; (the definition of the term pauper, to be made  
3 by law.)

By any person who shall have been declared by a lawful tri-  
2 bunal to be of unsound mind, during the continuance of such  
3 disabilities; or

By any non-commissioned officer, private, soldier, seaman or  
2 marine in the regular service of the United States, or of this  
3 Commonwealth.

## AMENDMENT

*Proposed by Mr. DODDRIDGE, to the 3d Resolution of the Legis-  
lative Committee, and rejected in Committee of the Whole.*

[ November 19th, 1829. ]

Third resolution, second and third lines, from the word "re-  
solution" strike out to the word "provided" in the 23d line, and  
insert:

And shall be extended to every free white male citizen aged  
2 twenty-one years or upwards, who shall have resided at least  
3 two years in the county, city, borough or district, in which he  
4 shall offer to vote, immediately preceding the time of voting,  
5 and who during that period, shall have actually paid a revenue  
6 tax legally assessed; and to every free white male citizen aged  
7 twenty-one years or upwards, who shall have actually resided at

8 least two whole years in the county, city, borough or district,  
 9 where he offers to vote, and who for the period of six months  
 9 at least, shall have been an house-keeper therein, and shall ac-  
 10 tually have paid a State, county, or corporation tax.

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## AMENDMENT

*Proposed by Mr. PLEASANTS, to the 4th Resolution of the Legis-  
 lative Committee, and not acted upon.*

[ November 18th, 1829. ]

Resolved, that representation in the Senate shall be based on  
 2 the whole number of free persons, including those bound to  
 3 service for a term of years, and excluding Indians not taxed,  
 4 and adding to the aforesaid number of free persons, three-fifths  
 5 of all other persons; and the Senate shall consist of thirty-six  
 6 members, and its term of service and classification remain as  
 7 at present.

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## AMENDMENT

*Proposed by Mr. SCOTT, to the 4th Resolution of the Legislative  
 Committee, and rejected by the Committee of the Whole.*

[ November 18th, 1829. ]

Resolved, that in the apportionment of representation in the  
 2 Senate, regard shall be had to taxation exclusively; that the  
 3 Senate shall consist of thirty-six members, and shall have the  
 4 same Legislative powers, in all respects, as the House of De-  
 5 legates, and all appointments referred by the Constitution to both  
 6 branches of the Legislature, shall be made by a concurrent vote  
 7 of both Houses.

## AMENDMENT

*Proposed by Mr. DODDRIDGE, to the 4th Resolution of the Legislative Committee, and rejected in Committee of the Whole.*

[ November 23d, 1829. ]

Fourth resolution, after the word "based" in the first line,  
2 strike out to the end of the amendment, and insert, "on the  
3 whole number of free white persons, including those bound to  
4 service for a term of years, and taxation combined."

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## AMENDMENT

*Proposed by Mr. GORDON, to Report of the Legislative Committee.*

[ November 25th, 1829. ]

Resolved, that the representation in the Senate and House of  
2 Delegates of Virginia, shall be apportioned as follows ; that is  
3 to say :  
4 There shall be ten Senators west of the Blue Ridge mountains,  
5 and fourteen east of those mountains.  
6 There shall be in the House of Delegates one hundred and  
7 twenty members, of whom twenty-six shall be elected from that  
8 part of Virginia lying west of the Alleghany mountains ; twenty-  
9 four from the Valley between the Alleghany and Blue Ridge ;  
10 thirty-seven from the Blue Ridge to the head of tide-water, and  
11 thirty-three thence, below.

**AMENDMENT**

*Proposed by Mr. BRODNAX, to the 9th Resolution of the Legislative Committee, and rejected by Committee of the Whole.*

[November 25th, 1829.]

Before the proviso, insert :

Nor shall they be so construed, as to deprive the Legislature  
2 of the power of incorporating by law, the Trustees or Direc-  
3 tors of any theological seminary, or other religious society, or  
4 body of men united for charitable purposes, or the advance-  
5 ment of piety and learning, so as to protect them in the en-  
6 joyment of their property and immunities, in such cases and  
7 under such regulations, as the Legislature may deem expedient  
8 and proper : But the Legislature of this State, during all future  
9 time shall possess the power, to alter, remodel or entirely repeal  
10 such charter, or act of incorporation, whenever they shall  
11 deem it expedient.

---

*Resolution proposed by Mr. MERCER.*

[November 25th, 1829.]

Resolved, that all taxes on lands, slaves and horses, shall be  
2 founded on a fair assessment of their value; that no one of  
3 these subjects shall be taxed separately from the other two, and  
4 that when taxed, the same rate shall be charged and levied  
5 upon all.

# REPORT

## OF THE

### EXECUTIVE COMMITTEE.

[October 20th, 1839.]

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The committee appointed on the Executive branch of the Constitution, have, according to order, had under consideration the subjects to them referred, and have come to the following resolutions thereupon :

1. Resolved, that the chief Executive office of this Commonwealth ought to be vested in a Governor.

2. Resolved, that there ought to be appointed a Lieutenant Governor of this Commonwealth.

3. Resolved, that the Executive Council, as at present organized, ought to be abolished, and that it is inexpedient to provide any other Executive Council.

4. Resolved, that in case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties and powers of his office, the said powers and duties shall devolve on the Lieutenant Governor ; and the Legislature may provide for the case of removal, death, or similar inability of the Lieutenant Governor.

5. Resolved, that the sheriffs of the different counties in the Commonwealth, shall hereafter be elected by the voters qualified to vote for the most numerous branch of the Legislature.

6. Resolved, that the commissioned officers of militia companies be nominated to the Executive by a majority of their respective companies.

7. Resolved, that the field officers of regiments be nominated to the Executive by a majority of the commissioned officers of their respective regiments.

8. Resolved, that no pardon shall be granted in any case until after conviction or judgment.

# REPORT

OF THE

## JUDICIAL COMMITTEE.

[October' 20th, 1829.]

The committee to whom was referred the Judicial Department of Government, as established by the present Constitution, have, according to order, had the same under consideration, and report, in part, the following resolutions thereupon :

1. Resolved, that the Judicial power shall be vested in a Court of Appeals, in such inferior Courts as the Legislature shall from time to time ordain and establish, and in the County Courts. The jurisdiction of these tribunals shall be regulated by law. The Judges of the Court of Appeals and of the inferior Courts shall hold their offices during good behaviour, or until removed in the manner prescribed in this Constitution ; and shall, at the same time, hold no other office, appointment or public trust ; and the acceptance thereof by either of them shall vacate his judicial office. No modification or abolition of any Court shall be construed to deprive any Judge thereof of his office ; but such Judge shall perform any judicial duties which the Legislature shall assign him.

2. Resolved, that the present Judges of the Court of Appeals, Judges of the General Court, and Chancellors remain in office until the expiration of the first session of the Legislature held under the new Constitution, and no longer. But the Legislature may cause to be paid to such of them as shall not be re-appointed, such sum as, from their age, infirmities and past services, shall be deemed reasonable.

3. Resolved, that Judges of the Court of Appeals and inferior Courts, except Justices of the County Courts, and the Aldermen, or other Magistrates of Corporation Courts, shall be elected by the concurrent vote of both Houses of the General Assembly, each House voting separately, and having a negative



6 on the other ; and the members thereof voting *viva voce*. The  
7 votes of the members shall be entered on the Journals of their  
8 respective Houses. Should the two Houses in any case fail to  
9 concur in the election of a Judge, during the session, the Go-  
10 vernor shall decide the election, by appointing one of the two  
11 persons who first received a majority of votes in the Houses in  
12 which they were respectively voted for. But if any vacancy  
13 shall occur, during the recess of the General Assembly, the  
14 Governor, or other person performing the duty of Governor,  
15 may appoint a person to fill such vacancy, who shall continue  
16 in office until the end of the next succeeding session of the  
17 General Assembly.

4. Resolved, that the Judges of the Court of Appeals and of  
2 the inferior Courts shall receive fixed and adequate salaries,  
3 which shall not be diminished during their continuance in office.

5. Resolved, that on the creation of any new county, Justices  
2 of the Peace shall be appointed in the first instance as may be  
3 prescribed by law. When vacancies shall occur in any county,  
4 or it shall, for any cause, be deemed necessary to increase their  
5 number, appointments shall be made by the Governor, by and  
6 with the advice and consent of the Senate, on the recommen-  
7 dation of their respective County Courts.

6. Resolved, that the Clerks of the several Courts shall be  
2 appointed by their respective Courts, and their tenure of office  
3 be prescribed by law.

7. Resolved, that the Judges of the Court of Appeals and  
2 of the inferior Courts, offending against the State, either by  
3 mal-administration, corruption, or neglect of duty, or by any  
4 other high crime or misdemeanor, shall be impeachable by the  
5 House of Delegates ; such impeachment to be prosecuted be-  
6 fore the Senate. If found guilty by two-thirds of the whole  
7 Senate, such persons shall be removed from office. And any  
8 Judge so impeached shall be suspended from exercising the  
9 functions of his office until his acquittal, or until the impeach-  
10 ment shall be discontinued or withdrawn.

8. Resolved, that Judges may be removed from office by a  
2 vote of the General Assembly ; but two-thirds of the whole  
3 number of each House must concur in such vote, and the cause  
4 of removal shall be entered on the Journals of each. The Judge  
5 against whom the Legislature is about to proceed, shall receive  
6 notice thereof, accompanied with a copy of the causes alleged  
7 for his removal, at least twenty days before the day on which  
8 either House of the General Assembly shall act thereupon.

**REPORT****OF THE****COMMITTEE ON THE BILL OF RIGHTS, &c.**

[October 19th, 1829.]

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The committee to whom was referred the Bill or Declaration  
2 of Rights, and all such parts of the present Constitution as are  
3 not referred to the committees on the Legislative, Executive  
4 and Judicial Departments of the Government, have had the  
5 subjects to them referred, under their consideration, and have  
6 in part performance of the duties devolved on them, agreed  
7 upon the following resolution :

Resolved, that in the opinion of this committee, the Bill or  
2 Declaration of Rights requires no amendment.

# REPORT

## OF THE

### COMMITTEE ON THE BILL OF RIGHTS, &c.

[October 22d, 1829.]

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The committee to whom was referred the Bill or Declaration of Rights, and all such parts of the present Constitution as are not referred to the committees on the Legislative, Executive and Judicial Departments of the Government, have, according to order, had the subjects to them referred under their consideration, and have further, in part performance of the duties devolved on them, agreed upon the following resolutions :

1. Resolved, as the opinion of this committee, that the Constitution of this State ought to be so amended, as to provide a mode in which future amendments shall be made therein.

2. Resolved, that the first and second sections of the present Constitution, ought to be stricken out, and that an introductory clause, adapted to the amended Constitution, be substituted in lieu thereof.

3. Resolved, that the twelfth, twenty-first and twenty-second sections of the present Constitution ought to be stricken out, as no longer necessary.

4. Resolved, that the freedom of Speech, and of the Press, ought to be held sacred, and guaranteed by the Constitution.

5. Resolved, that no title of Nobility shall be created or granted, and no person holding any office of profit or trust, under the United States, or under any King, Prince, or foreign State, shall hold any office, under this State.

6. Resolved, as the opinion of this committee, that the Constitution ought to be so amended as to provide ; " that no man shall be compelled to frequent or support, any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions, or belief ; but that all men, shall be free to profess, and by argument to maintain, their opinions in matters of religion ; and that the same shall in no wise diminish, enlarge, or affect their civil capacities."

## PROPOSITION

SUBMITTED BY MR. FITZHUGH.

[October 24th, 1829.]

1. Resolved, that the State ought to be divided once in every  
2 years into election districts, containing as nearly as  
3 possible, equal portions of white population; and that each dis-  
4 trict should be entitled to one Senator and Delegates;  
5 the former to be elected by the whole district, and the latter to  
6 be distributed amongst, and elected by, the counties composing  
7 the district, as nearly as possible, in proportion to their white  
8 population.

2. Resolved, that the power of the Legislature to impose taxes,  
2 ought to be so limited, as to prohibit the imposition on property,  
3 either real or personal, of any other than an "*ad valorem*"  
4 tax; and that in apportioning this tax, either for State or  
5 County purposes, the whole visible property, (household furni-  
6 ture and wearing apparel excepted,) of each individual in the  
7 community, ought to be valued, and taxed only in proportion to  
8 its value: Provided, however, that no individual, whose pro-  
9 perty (with the above exception) does not exceed in value  
10 dollars, ought to be subject to any property tax whatever:  
11 And provided, moreover, that the Legislature may impose on all  
12 professions and occupations, usually resorted to as a means of  
13 support, such tax as may be deemed reasonable.

3. Resolved, that, to prevent an unfair distribution of the  
2 revenue of the Commonwealth, the Legislature ought to be pro-  
3 hibited from making appropriations (except by the votes of two-  
4 thirds of the members of both its branches) to any road or ca-  
5 nal, until three-fifths of the amount necessary to complete such  
6 road or canal, shall have been otherwise subscribed, and either  
7 paid or secured to be paid, as the law may direct.

4. Resolved, that the right of suffrage ought to be extended to  
2 all free male white citizens of twenty-one years of age and up-  
3 wards, who, having been for months preceding the elec-  
4 tion, freeholders or house-keepers in the county where they of-  
5 fer to vote, shall, within that time, have been assessed on pro-  
6 perty (exclusive of household furniture and wearing apparel)  
7 exceeding in value dollars, or in a tax other than a pro-  
8 perty tax, of the amount of dollars, and shall have ac-  
9 tually paid all the taxes with which they may have been legally  
10 charged, during the current year.

**PROPOSITION**

SUBMITTED BY MR. TAYLOR, *of Norfolk Borough.*

[October 30th, 1829.]

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Resolved 1st, that the elective franchise should be *uniform*;  
2 so that, throughout the State, similar qualifications should con-  
3 fer a similar right of suffrage.

Resolved 2d, that, among those entitled by the Constitution  
2 to exercise the elective franchise, there should be *entire equality*  
3 *of suffrage*; so that, in all elections, the suffrage of one qua-  
4 lified voter should avail as much as that of another qualified  
5 voter, whatever may be the disparity of their respective fortunes.

Resolved 3d, that representation should be *uniform* through-  
2 out the State.

Resolved 4th, that as *individual suffrage* should be *equal*,  
2 without respect to the disparity of individual fortune, so as  
3 *equal number* of qualified voters are entitled to equal represen-  
4 tation, without regard to the disparity of their *aggregate* for-  
5 tunes.

Resolved 5th, that in all pecuniary contributions to the public  
2 service, regard should be had to the ability of individuals to  
3 contribute; and as this ability to pay, from disparity of fortune  
4 is *unequal*, it would be unjust and oppressive to require each  
5 citizen to pay an *equal* amount of public taxes.

**PROPOSITION**

SUBMITTED BY MR. CLAYTOR.

[ October 24th, 1829. ]

1. Resolved, that the right of suffrage belongs to, and ought to be exercised by, all free white male citizens of this Commonwealth, who have attained the age of twenty-one years, and are able to give sufficient evidence of "attachment to, and a permanent common interest with, the community."

2. Resolved, that nativity, or residence, within the Commonwealth, for a sufficient time, and the payment of all taxes imposed, and performance of all public duties required by the laws of this Commonwealth, ought to be deemed such sufficient evidence.

3. Resolved, therefore, that the right of suffrage ought to be exercised and enjoyed by all free white male citizens of this Commonwealth, who have attained the age of twenty-one years; except, 1st, paupers; 2d, persons convicted of infamous crimes; 3d, persons of unsound mind; 4th, persons who have refused or failed to pay all taxes assessed or imposed upon them by law, for the year next preceding any election at which they may offer to vote; 5th, persons in the military or naval service of the United States, or of this State; and 6th, persons not native born citizens of this Commonwealth, who have not resided at least three years within the same, and one year in the county, city, borough or election district, in which they may respectively offer to vote, and been regularly assessed for taxation; and if liable to militia duty, enrolled in the militia of the same: Provided, however, that this last restriction shall not be so construed as to deprive any person of the right of suffrage, who had under this Constitution been previously qualified to exercise the same in any county, city, borough or election district, of this State: And provided, moreover, that whenever any question arises as to the right of an individual to vote, the *onus probandi* shall be upon the person claiming the right.

## PROPOSITION

SUBMITTED BY MR. POWELL.

[October 20th, 1829.]

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Resolved, that the Executive Department of the existing form of Government ought to be amended as follows :

SEC. 1. The Executive power shall be vested in a Governor. He shall hold his office for            years, and be ineligible for the term of            years thereafter : And a Lieutenant Governor shall be chosen at the same time, for the same term, and under like restrictions.

SEC. 2. The Lieutenant Governor shall act as President of the Senate, but he shall have no right to vote except the Senate be equally divided upon any question ; in which case he shall have the casting vote.

SEC. 3. No person shall be eligible to the office of Governor or Lieutenant Governor, except a citizen of this Commonwealth, nor any who shall not have attained the age of            years, and who shall not have resided            years next preceding his election, in the State.

SEC. 4. The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the most numerous branch of the Legislature, by the voters qualified to vote for the members of the General Assembly : Provided, that the election shall take place throughout the Commonwealth on the same day. The persons respectively having the highest number of votes for Governor and Lieutenant Governor, shall be elected. In case two or more persons shall have an equal number of votes for Governor or for Lieutenant Governor, the Legislature shall immediately by joint vote of both Houses, choose of the persons having an equal number of votes for Governor or for Lieutenant Governor, the Governor or Lieutenant Governor, as the case may be.

SEC. 5. The Governor shall be commander-in-chief of the militia. He shall have power to convene the Legislature on extraordinary occasions. He shall from time to time give information to the Legislature of the condition of the Commonwealth, and recommend to their consideration such measures as he shall judge necessary and expedient. He shall expedite all

7 such measures as may be resolved upon by the Legislature, and  
8 shall take care that the laws are faithfully executed.

SEC. 6. The Governor and Lieutenant Governor shall, at stated  
2 times, receive for their services a compensation, which shall nei-  
3 ther be increased nor diminished during the term for which they  
4 shall have been elected.

SEC. 7. The Governor shall have power to grant reprieves  
2 and pardons after conviction for all offences, except treasons,  
3 and in cases of impeachment. Upon conviction for treason, he  
4 shall have power to suspend the execution of the sentence, until  
5 the case shall be reported to the Legislature at its next session,  
6 when the Legislature may pardon, or direct the execution of  
7 the criminal, or grant a farther reprieve.

SEC. 8. In case of the removal of the Governor from office,  
2 or of his death, resignation, or inability to discharge the duties  
3 of his office, his powers and duties shall devolve on the Lieu-  
4 tenant Governor; and in case of the removal, death, or resigna-  
5 tion, or like inability of the Lieutenant Governor, the Legisla-  
6 ture may provide by law upon whom the duties of the Gover-  
7 nor shall devolve, until such disabilities shall be removed, or a  
8 Governor shall be elected.

SEC. 9. The Governor shall have power to nominate, and  
2 by and with the advice and consent of the Senate, appoint  
3 Judges of the Supreme Court or Court of Final Jurisdiction,  
4 and Judges of such inferior Courts as may from time to time  
5 be established by law; all militia officers from the rank of  
6 Colonel inclusive; the Treasurer, Auditor of Public Accounts,  
7 Register of the Land Office, and Attorney General. The  
8 Legislature may by law vest the appointment of all other offi-  
9 cers of the Commonwealth, whose appointments are not herein  
10 otherwise provided for, in the Governor alone, or in the Gover-  
11 nor with the advice and consent of the Senate, or in the Courts  
12 of Law.

SEC. 10. The Governor shall have power to fill up all vacan-  
2 cies that may happen during the recess of the Senate, by grant-  
3 ing commissions, which shall expire at the end of the next ses-  
4 sion of that body.

SEC. 11. The Governor shall have power to require in wri-  
2 ting the opinions of the Lieutenant Governor and of the Attorney  
3 General, upon all matters appertaining to the duties of his office.

SEC. 12. No person, whose tenure of office depends on the  
2 pleasure of the Governor, shall be removed from office without  
3 the advice or consent of the Senate to such removal. But the  
4 Governor shall have power, at any time, to suspend such officer,  
5 and appoint another to discharge the duties of his office, until  
6 the next session of the Senate, and until their advice and con-  
7 sent to such removal shall be ascertained and expressed.



**PROPOSITION****SUBMITTED BY MR. MORGAN.**

[ October 20th, 1889. ]

1. The Executive power shall be vested in a Governor and a Lieutenant-Governor, to assist in the administration of the affairs of Government when required by the Governor ; and who shall act as Governor in case of the death, resignation, or removal of the Governor from office, until another be appointed ; and in case of impeachment, temporary incapacity of any kind, or absence of the Governor from the seat of Government, until his restoration or return : And, if at any time there shall be no acting Governor, and the Lieutenant-Governor shall be impeached, or from any cause not acting, the Executive authority shall devolve on, and be exercised by, some person appointed by law for that purpose.

2. The Governor and Lieutenant-Governor shall be annually appointed by joint ballot of the Senate and House of Delegates, and their terms of office shall end on the last day of December of every year ; but no person shall be eligible to the office of Governor for more than three years at any one time, nor again, until after he shall have been out of that office four years ; and in like manner after the end of every three years of service.

3. The Governor shall exercise the Executive power of the Government, according to the laws of the Commonwealth, and see that they shall be faithfully executed. He may, at his own discretion, and shall, on application of a majority of the Senate or House of Delegates, convene the General Assembly : And he shall have power to grant reprieves and pardons, except where the prosecution shall have been carried on by the House of Delegates, or the law shall otherwise particularly direct ; in which cases, the House of Delegates shall alone have and exercise the power of granting them : but no pardon shall be granted in any case until after judgment or conviction.

**PROPOSITION****SUBMITTED BY MR. NICHOLAS.**

[ October 21st, 1832. ]

Resolved; that the 9th and 10th sections of the present Constitution be retained, and that the 11th be substituted by the following resolution :

A Privy Council or Council of State, consisting of four members, shall be chosen by joint ballot of both Houses of Assembly, either from their own members, or the people at large, to assist in the administration of Government. They shall annually choose out of their own members, a Lieutenant-Governor, who in case of the death, inability, or necessary absence of the Governor from the Government, shall act as Governor. The Governor shall be the President of the Council, and shall in all cases of division have the casting vote. Two members with the Governor or Lieutenant-Governor, as the case may be, shall be sufficient to act, and their advice and proceedings shall be entered of record, and signed by the members present, (to any part whereof any member may enter his dissent) to be laid before the General Assembly, when called for by them. The members of the Council shall be elected by joint ballot of both Houses of the General Assembly, for four years. At the first election, the two Houses shall, by joint resolution, divide the persons elected into two classes. The seats of the Councillors of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; so that one half may be chosen every second year: and if vacancies happen by resignation, or otherwise, they shall be filled by joint ballot of the two Houses of the General Assembly. An adequate, but moderate salary, shall be settled on them, during their continuance in office, and they shall be incapable during that time, of sitting in either House of Assembly.

## PROPOSITION

SUBMITTED BY MR. CAMPBELL, *of Brooke.*

[October 30th, 1839.]

### *SUBSTITUTE for the 1st Resolution of the Report of the Judicial Committee.*

Resolved, that the Judicial power shall be vested in a Court  
2 of Appeals, and in such inferior Courts as the Legislature  
3 shall from time to time ordain and establish. The jurisdiction  
4 of these tribunals shall be regulated by law. The Judges of  
5 the Court of Appeals and of the inferior Courts shall hold  
6 their offices during good behaviour, or until removed in the  
7 manner prescribed in this Constitution; and shall, at the same  
8 time, hold no other office, appointment or public trust; and  
9 the acceptance thereof by either of them, shall vacate his Ju-  
10 dicial office.

### *SUBSTITUTE for the 5th Resolution.*

1. Resolved, that the counties, cities and boroughs shall be di-  
2 vided into wards for the apportionment of Justices of the Peace  
3 among the people; and the persons authorised to vote for mem-  
4 bers of the General Assembly in each ward, shall elect the  
5 Justices of the Peace therein, who shall be commissioned to  
6 continue in office for the term of                      years, but re-  
7 moveable for any bribery, corruption, or other high crime or  
8 misdemeanor, by indictment or information, in any Court hold-  
9 ing jurisdiction thereof.

2. Resolved, that the Constables shall in like manner be elected  
2 annually in said wards.

### *SUBSTITUTE for the 6th Resolution.*

Resolved, that the appointment of the Clerks of the several  
2 Courts, and their tenure of office, shall be regulated by law.

## PROPOSITION

SUBMITTED BY MR. UPSHUR.

[November 30th, 1829.]

Resolved, that the House of Delegates shall consist of one hundred and twenty members, of which there shall be chosen, 26  
 3 for the First District, or District west of the Alleghany mountain, - - - 26  
 5 For the Second District, or District of the Valley, 22  
 6 For the Third District, or District between the Blue Ridge  
 7 and the head of tide-water, - - - 38  
 8 For the Fourth District, or District between the head of  
 9 tide-water and the ocean, - - - 34

Resolved, that the Senate shall consist of thirty members, of which there shall be chosen for the First District, aforesaid, 7  
 3 For the Second District, aforesaid, - - - 6  
 4 For the Third District, aforesaid, - - - 9  
 5 For the Fourth District, aforesaid, - - - 8

Resolved, that the Legislature shall have power, to re-arrange the representation in both Houses of the General Assembly, 2  
 3 once in every years, upon a fair average of the following  
 4 ratios, viz : 1st, Of white population : 2d, Of white population  
 5 and taxation combined : 3d, Of the Federal numbers.

Provided, that the number of the House of Delegates shall never exceed 160, nor the number of the Senate, 40.

## PROPOSITION

SUBMITTED BY MR. LEIGH, of *Chesterfield*.

[ November 30th, 1889. ]

That representation in the House of Delegates be apportioned  
2 as follows :

The twenty-six counties lying west of the Alleghany shall  
2 have twenty-six Delegates ;

The fourteen counties lying between the Alleghany and Blue  
2 Ridge shall have twenty-three Delegates ;

The twenty-nine counties lying east of the Blue Ridge and  
2 above tide-water shall have forty-two Delegates ;

And the thirty-six counties and four towns lying on tide-water  
2 shall have thirty-five Delegates.

No more new counties shall ever be formed of the territory  
2 lying east of the Blue Ridge of mountains—but the Legislature  
3 may in its discretion, from time to time, a majority of the whole  
4 number of both Houses concurring, whensoever the increase of  
5 the population of the country west of the Blue Ridge and the  
6 more convenient administration of justice and police may require,  
7 form new counties, not exceeding eight, out of the territory west  
8 of the Blue Ridge, and whenever any such new county shall be  
9 formed, an additional Delegate shall be allowed to the country  
10 west of the Blue Ridge.

And the Legislature, having regard to the relative state of the  
2 population of the respective counties, cities and towns, and three-  
3 fifths of both Houses always concurring, may, at any time, form  
4 two or more contiguous counties into one district, for the election  
5 of one Delegate ; and may allow one or more additional Dele-  
6 gates to any county, city, town or district, so that none shall  
7 ever be allowed more than four Delegates ; and may reduce the  
8 number of Delegates which may or shall be allowed to any  
9 county, city or town, to which more than one Delegate may in  
10 the first instance be allowed, so that each be allowed at least  
11 one : Provided, that the number of the House of Delegates  
12 shall never exceed one hundred and fifty.

## PROPOSITION

SUBMITTED BY MR. COOKE.

[November 30th, 1820.]

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Resolved, that in the opinion of this committee, the Legislative Department of the Government of this Commonwealth should consist of a Senate containing thirty-six, and a House of Delegates containing one hundred and twenty members.

That the principle of representation in the House of Delegates should be the equal representation, as nearly as may be, of the free white people in every part of the Commonwealth.

That the principle of representation in the Senate should be the equal representation, as nearly as may be, of all free persons taken in connection with three-fifths of all other persons, in every part of the Commonwealth; or, in other words, the equal representation, throughout the Commonwealth, of what is familiarly called "Federal numbers."

That an apportionment should be made, as soon as may be, after the next Census which shall be taken under the authority of the United States, of the members of the two Houses respectively, on the principles above stated, throughout the Commonwealth.

That in default of a Census by the Government of the United States, in 1830, or at any future Constitutional period, it should be the duty of the Legislature to cause a Census of the population of this Commonwealth to be taken, as soon as may be after such default shall occur.

That it should be competent to the Legislature to substitute a Census made under the authority of the State, for the Federal Census, if the latter, after it shall have been taken, shall be considered by the Legislature as inaccurate or imperfect: provided; however, that the next ensuing Federal Census, or that of 1830, shall be definitively taken, as the basis of the first apportionment.

That there should be, as soon as may be, after the organization of the Government under any new Constitution, or any amended Constitution which shall be adopted by the people of Virginia, on the recommendation of this Convention, and at the expiration of every ten years thereafter, an assessment of all the lands subject to taxation, within the limits of the Commonwealth.

## PROPOSITION

SUBMITTED BY MR. CAMPBELL, of *Brooks*.

[November 30th, 1829.]

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1. The whole State shall be divided into one hundred Delegate districts, and twenty-four Senatorial districts, after each and every Census, according to the white population; so that the House of Delegates and the Senate shall never exceed together, more than one hundred and twenty-four members.

2. The taxes imposed upon every species of property shall be *ad valorem*, and on a fixed ratio between real and personal property.

3. The appropriations of the revenue for any other purpose than the payment of the expenses of Government, for any improvements east or west of the Blue Ridge, shall be always in exact proportion to the amount of taxes paid by the citizens east and west of that ridge of mountains.

4. The revenue resulting from any improvements which shall hereafter be made in the east or the west, shall belong to that section of the State in which said improvements are made.

5. Any roads which may be made over the Blue Ridge mountain, shall be made at the expense of the whole State, in equal proportion to the taxes paid by the eastern and the western divisions of the State; and the tolls thence accruing, shall in the same proportion be distributed between the east and the west.

# CALCULATION

SUBMITTED BY MR. MARSHALL.

[ November 30th, 1829. ]

*Mr. LEIGH's Plan is a House of 126 Members:*

White population amounts by the Census of 1820, to 603,081  
In a House of 126, each member will represent persons 4,791

West of the Alleghany,	133,100	27—3,743	28
Between the Alleghany and Blue Ridge,	} 121,096	25—1,321	25
Between the Blue Ridge and Tide Water,		39—2,507	40
On Tide Water,	159,517	33—1,414	33
	<u>603,069</u>	<u>124</u>	<u>126</u>

Federal numbers amounts to - - - 895,003  
Each member will represent persons - - - 7,031

West of the Alleghany,	142,147	20—1,527	20
Between the Alleghany and Blue Ridge,	} 142,083	20—1,463	20
Between the Blue Ridge and Tide Water,		46—6,599	47
On Tide Water,	280,619	39—6,410	39
	<u>894,874</u>	<u>125</u>	<u>126</u>

To divide the apportionment between white population and federal numbers:

West of the Alleghany,	} White,	28	
	} Federal,	20	
		<u>48</u>	24
Between the Alleghany and Blue Ridge,	} White,	25	
	} Federal,	20	
		<u>45</u>	23
Carried forward,			<u>47</u>



Brought forward,		47
Between the Blue Ridge and Tide Water,	White,	40
	Federal,	47
		<hr/>
		87
		<hr/>
On Tide Water,	White,	33
	Federal,	39
		<hr/>
		72
		<hr/>
		36
		<hr/>
		126

The white population and federal numbers added, and then  
divided, give - - - - - 220,068  
If the country on Tide Water be entitled to 36 members,  
then each member will represent - - - - - 6,113

	<i>Whites.</i>	<i>Fed. Members.</i>	
The Henrico District contains	21,885	40,395	
Its share of 36 members, is	4—3,001	5—4,240	9—7,241
			<hr/>
			4—8,620





**PROPOSITION****SUBMITTED BY MR. SUMMERS.**

[December 1st, 1829.]

1. Resolved, that each county ought to be divided into wards, so that there shall be not less than three, or more than seven, in any one county : That there ought to be elected in each ward, by the voters qualified to vote for members of the House of Delegates, one commissioner, and that the commissioners elected in the several wards, ought to form a Board of Police for their respective counties.

2. Resolved, that the Commissioners of Police ought to go out of office, one at the end of each year, to be determined in the first instance by lot ; and that successors ought to be elected by their respective wards, to serve for a number of years equal to the number of commissioners in such county, so that one Commissioner of Police may be chosen in each county, at every annual election.

3. Resolved, that the Boards of Police ought to be charged with the superintendence and direction of the fiscal concerns of their respective counties ; with power to assess, levy, and cause to be collected, all local, county, or ward taxes, and to direct the disbursement of the same ; to superintend all provisions and expenditures for the support of the poor, and that the opening, preserving, and improving of the public roads and other highways, with the erection of bridges, and other public structures, ought to be confided to the Boards of Police.

4. Resolved, that it ought to be the duty of the several Boards of Police from time to time, or whenever required by the Governor, to recommend to him suitable persons to fill the offices of Justice of the Peace, and to make any other recommendations, and perform such other duties, as may be required by law.

5. Resolved, that the proceedings of the several Boards ought to be recorded and preserved by such officer as the General Assembly shall designate, and that the Commissioners ought to

4 receive a moderate compensation for their services, to be ascer-  
5 tained by law, and paid out of the county funds.

6. Resolved, that each Commissioner of Police ought to be a  
2 Conservator of the Peace within his county; and, if holding no  
3 office or employment incompatible with that of Justice of the  
4 Peace, ought to be included in the Commission of the Peace.

**PROPOSITION****SUBMITTED BY MR. GORDON, .***As an Amendment to the Proposition submitted by Mr. UPSHUR.*

[December 3d, 1820.]

Resolved, that the representation in the Senate and House of  
2 Delegates of Virginia, shall be apportioned as follows :

3 There shall be 13 Senators west of the Blue Ridge of Moun-  
4 tains, and 19 east of those Mountains :

5 There shall be in the House of Delegates 126 Members, of  
6 whom 29 shall be elected from the District west of the Alle-  
7 ghany Mountains, 24 from the Valley between the Alleghany  
8 and Blue Ridge, 39 from the Blue Ridge to the Head of Tide  
9 Water, and 34 thence, below.



## PROPOSITION

SUBMITTED BY MR. GORDON,

*As amended in Committee of the Whole.*

[December 5th, 1839.]

Resolved, that the representation in the Senate and House of  
2 Delegates of Virginia, shall be apportioned as follows :

3 There shall be 13 Senators west of the Blue Ridge of Moun-  
4 tains, and 19 east of those Mountains :

5 There shall be in the House of Delegates 127 members, of  
6 whom 29 shall be elected from the District west of the Alle-  
7 ghany Mountains, 24 from the Valley between the Alleghany  
8 and Blue Ridge, 40 from the Blue Ridge to the Head of Tide  
9 Water, and 34 thence, below.

Resolved, that the Legislature shall re-arrange the represen-  
2 tation in both Houses of the General Assembly once in every  
3 years, upon a fair average of the following ratios, viz :  
4 1st, Of white population ; 2d, Of the Federal numbers.

Provided, that the number of the House of Delegates shall  
2 never exceed , nor the number of the Senate,





## REPORT

OF THE

## LEGISLATIVE COMMITTEE,

*As amended in Committee of the Whole.*

[December 11th, 1839.]

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**[T]** The words *struck out* are enclosed in brackets; those inserted are printed in *Italics*.

---

The Committee appointed on the Legislative Department of  
 2 the Government, have according to order, had under considera-  
 3 tion the subjects referred to them, and have agreed to the fol-  
 4 lowing Report:

1. Resolved, ~~that~~ in the apportionment of representation in  
 2 the House of Delegates, regard should be had to the white po-  
 3 pulation exclusively.

2. Resolved, that a Census of the population of the State, for  
 2 the purpose of apportioning the representation, should be taken  
 3 in the year 1831, the year 1845, and thereafter at least once  
 4 in every twenty years.

3. Resolved, that the right of suffrage shall continue to be  
 2 exercised by all who now enjoy it under the existing Constitu-  
 3 tion: [Provided, that no person shall vote by virtue of his free-  
 4 hold only, unless the same shall be assessed to the value of at  
 5 least                    dollars, for the payment of taxes, if such as-  
 6 sessment be required by law:] and shall be extended, 1st, to  
 7 every free white male citizen of the Commonwealth, resident  
 8 therein, above the age of twenty-one years, who owns, and has  
 9 possessed for six months, or who has acquired by marriage, de-  
 10 scent, or devise, a freehold estate, assessed to the value of not  
 11 less than                    dollars, for the payment of taxes, if such as-

12 sessment shall be required by law; 2d, or who shall own a  
 13 vested estate in fee, in remainder, or reversion, in land, the as-  
 14 sessed value of which shall be        dollars; 3d, or who shall  
 15 own, [and have possessed] *and be himself in actual occupation*  
 16 of a leasehold estate with the evidence of title recorded, of a  
 17 term originally not less than five years, [and one of which shall  
 18 be unexpired,] of the annual value, or rent of        dollars;  
 19 4th, or who for twelve months next preceding, has been a house-  
 20 keeper and head of a family within the county, city, borough  
 21 or election district, where he may offer to vote, and who shall  
 22 have been assessed with a part of the revenue of the Common-  
 23 wealth within the preceding year, and actually paid the same:  
 24 Provided, nevertheless, that the right of suffrage shall not be  
 25 exercised by any person of unsound mind, or who shall be a  
 26 pauper, or a non-commissioned officer, soldier, sailor or marine,  
 27 in the service of the United States, nor by any person convicted  
 28 of any infamous offence: [nor by citizens born without the  
 29 Commonwealth, unless they shall have resided therein for five  
 30 years immediately preceding the election at which they shall  
 31 offer to vote, and two years preceding the said election, in the  
 32 county, city, borough or election district, where they shall offer  
 33 to vote, (the mode of proving such previous residence, when  
 34 disputed, to be prescribed by law,) and shall possess, moreover,  
 35 some one or more of the qualifications above enumerated.]

4. Resolved, that the number of members in the Senate of  
 2 this State ought to be neither increased nor diminished, nor  
 3 the classification of its members changed.

5. Resolved, that the number of members in the House of  
 2 Delegates ought to be reduced, so that the same be not less  
 3 than one hundred and twenty, nor more than one hundred and  
 4 fifty.

6. Resolved, that no person ought to be elected a member  
 2 of the Senate of this State, who is not at least thirty years of  
 3 age.

7. Resolved, that no person ought to be elected a member of  
 2 the House of Delegates of this State, who is not at least twen-  
 3 ty-five years of age.

8. Resolved, [that it ought to be provided, that in all elec-  
 2 tions for members of either branch of the General Assembly,  
 3 and in the election of all officers which may be required to be  
 4 made by the two Houses of Assembly, jointly, or in either se-  
 5 parately, with the exception of the appointment of their own  
 6 officers, the votes should be given openly, or viva voce, and not  
 7 by ballot.] *that it ought to be provided in the Constitution,*  
 8 *that in all elections in this State to any office or place of trust,*  
 9 *honour or profit, the votes should be given openly, or viva voce,*  
 10 *and not by ballot.*

9. Resolved, that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever; nor shall be enforced, restrained, molested, or burthened in his body or goods; nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

9 That the Legislature shall have no power to prescribe any religious test whatever, nor to establish by law any subordination or preference between different sects or denominations, nor confer any peculiar privileges or advantages on any one sect or denomination, over others; nor pass any law, requiring or authorising any religious society, or the people of any district within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house for public worship, or the support of any church or ministry, but that it be left free to every person to select whom he pleases as his religious instructor, and to make for his support, such private contract as he pleases: Provided, however, that the foregoing clauses shall not be so construed, as to permit any Minister of the Gospel, or Priest of any denomination, to be eligible to either House of the General Assembly.

10. Resolved, that no bill of attainder, or ex post facto law, or law impairing the obligation of contracts, ought to be passed.

11. Resolved, that private property ought not to be taken for public uses without just compensation.

12. Resolved, that the members of the Legislature shall receive for their services a compensation, to be ascertained by law, and paid out of the public treasury; but no law increasing the compensation of members of the Legislature shall take effect until the end of the next annual session after the said law may have been enacted.

13. Resolved, that no Senator or Delegate shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people.

14. Resolved, that the representation in the Senate and House of Delegates of Virginia, shall be apportioned as follows:

3 There shall be thirteen Senators west of the Blue Ridge of 4 Mountains, and nineteen east of those Mountains.

5 There shall be in the House of Delegates one hundred and 6 twenty-seven members; of whom twenty-nine shall be elected 7 from the district west of the Alleghany Mountains; twenty- 8 four from the Valley between the Alleghany and Blue Ridge;

9 forty from the Blue Ridge to the Head of Tide Water, and  
10 thirty-four thence below.

15. Resolved, that the Legislature shall re-arrange the repre-  
2 sentation in both Houses of the General Assembly, once in  
3 every years, upon a fair average of the following ratios,  
4 to wit:

5 First, of white population ;

6 Second, of Federal numbers.

7 Provided, that the number of the House of Delegates shall  
8 never exceed , nor the number of the Senate .

## REPORT

OF THE

## EXECUTIVE COMMITTEE,

*As amended in Committee of the Whole.*

[December 12th, 1890.]

The committee appointed on the Executive branch of the Constitution, have, according to order, had under consideration the subjects to them referred, and have come to the following resolutions thereupon :

1. Resolved, that the chief Executive office of this Commonwealth ought to be vested in a Governor, *to be elected by the General Assembly for three years, and to be ineligible for three years thereafter. His term of office shall commence on the first day of January succeeding his election, or on such other day as the Legislature may from time to time designate.*

2. Resolved, that there ought to be appointed a Lieutenant-Governor of this Commonwealth ; *to be elected in the same manner, at the same time, and for the same term, with the Governor.*

3. Resolved, that the Executive Council, as at present organized, ought to be abolished, and that it is inexpedient to provide any other Executive Council.

4. Resolved, that in case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties and powers of his office, the said powers and duties shall devolve on the Lieutenant-Governor ; and the Legislature may provide for the case of removal, death, or similar inability of the Lieutenant-Governor.

5. [Resolved,] that the Sheriffs of the different counties in the Commonwealth shall hereafter be elected by the voters qualified to vote for the most numerous branch of the Legislature.

6. [Resolved,] that the commissioned officers of militia companies be nominated to the Executive by a majority of their respective companies.

7. [Resolved,] that the field officers of regiments be nominated  
2 to the Executive by a majority of the commissioned officers of  
3 their respective regiments. *That the mode of appointing mi-*  
4 *litia officers ought to be provided for by law: Provided never-*  
5 *theless, that no officer below the grade of a Brigadier General*  
6 *should be appointed by the General Assembly.*

8. [Resolved,] that no pardon shall be granted in any case,  
2 until after conviction or judgment.

9. *Resolved, that the Governor and Lieutenant-Governor*  
2 *shall be chosen from such persons only as are native citizens of*  
3 *the United States, who have attained the age of thirty years,*  
4 *and have been citizens of the State during the five years imme-*  
5 *diately preceding the election.*

10 *Resolved, that both the Governor and Lieutenant-Gover-*  
2 *nor shall receive for their services, a compensation to be deter-*  
3 *mined by law, and to be neither increased nor diminished, du-*  
4 *ring the term for which they shall have been elected, and they*  
5 *shall be liable to be impeached and removed from office, for trea-*  
6 *son, bribery, or other crimes or misdemeanors.*

11. *Resolved, that it shall be the duty of the Governor to ex-*  
2 *ecute, or cause to be executed, all the laws of the Common-*  
3 *wealth; to communicate to the Legislature, at every session, the*  
4 *condition of the State, and to recommend to their consideration,*  
5 *such measures as he may deem expedient. He shall also be*  
6 *Commander-in-Chief of the land and naval forces of the State;*  
7 *shall have power to convene the Legislature, when in his opin-*  
8 *ion, the interests of the State may require it, or on application*  
9 *of a majority of the members of the House of Delegates. To*  
10 *fill vacancies occurring during the recess of the Legislature, in*  
11 *offices, the appointment to which is vested in the Legislative body;*  
12 *to grant reprieves or pardons, except where the prosecution*  
13 *shall have been carried on by the House of Delegates, or the*  
14 *law shall otherwise particularly direct; and to conduct, either*  
15 *in person, or by such agents as the Legislature may designate,*  
16 *all negotiations and correspondence with other or foreign States.*

# REPORT

## OF THE

### JUDICIAL COMMITTEE,

*As amended in Committee of the Whole.*

[ December 11th, 1829. ]

The committee, to whom was referred the Judicial Department of Government, as established by the present Constitution, have, according to order, had the same under consideration, and report, in part, the following resolutions thereupon :

1. Resolved, that the Judicial power shall be vested in a Supreme Court of Appeals, in such inferior Courts as the Legislature shall from time to time ordain and establish, [and] in the County Courts, and in the justices of the peace, who shall compose the said Courts. The Legislature may also vest such jurisdiction as shall be deemed necessary, in Corporation Courts, and in the magistrates who may belong to the corporate body. The jurisdiction of these tribunals shall be regulated by law. The Judges of the Court of Appeals and of the inferior Courts shall hold their offices during good behaviour, or until removed in the manner prescribed in this Constitution ; and shall, at the same time, hold no other office, appointment or public trust ; and the acceptance thereof by either of them, shall vacate his judicial office. No modification or abolition of any Court shall be construed to deprive any Judge thereof of his office ; but such Judge shall perform any judicial duties which the Legislature shall assign him.

2. Resolved, that the present Judges of the Court of Appeals, Judges of the General Court, and Chancellors, remain in office until the expiration of the [first] session of the first Legislature [held] elected under the new Constitution, and no longer. But the Legislature may cause to be paid to such of them as shall not be re-appointed, such sum as, from their age, infirmities and past services, shall be deemed reasonable.

3. Resolved, that Judges of the Court of Appeals and inferior Courts, except justices of the County Courts, and the aldermen, or other magistrates of Corporation Courts, shall be



7. Resolved, that the Judges of the Court of Appeals and  
2 of the Inferior Courts, offending against the State, either by  
3 mal-administration, corruption, or neglect of duty, or by any  
4 other high crime or misdemeanor, shall be impeachable by the  
5 House of Delegates; such impeachment to be prosecuted be-  
6 fore the Senate. If found guilty by two-thirds of the whole  
7 Senate, such person shall be removed from office. And any  
8 Judge so impeached shall be suspended from exercising the  
9 functions of his office until his acquittal, or until the impeach-  
10 ment shall be discontinued or withdrawn.

8. Resolved, that Judges may be removed from office by a  
2 vote of the General Assembly; but two-thirds of the whole  
3 number of each House must concur in such vote, and the cause  
4 of removal shall be entered on the Journals of each. The Judge  
5 against whom the Legislature is about to proceed, shall receive  
6 notice thereof, accompanied with a copy of the causes alleged  
7 for his removal, at least twenty days before the day on which  
8 either House of the General Assembly shall act thereupon.

*Resolution of the Report of the Committee on the Bill of Rights,  
adopted by the Convention.*

4. Resolved, that the freedom of speech, and of the press,  
2 ought to be held sacred and guaranteed by the Constitution.

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*The following Resolution was submitted by Mr. STUART, and  
adopted by the Convention.*

Resolved, that the Legislature have power to provide by law,  
2 that no person shall be capable of holding or being elected, to  
3 any post of profit, trust or emolument, civil or military, under  
4 the Government of this Commonwealth, who shall hereafter  
5 fight a duel, or send or accept a challenge to fight a duel, the  
6 probable issue of which may or might be the death of the chal-  
7 lenger or challenged, or who shall be a second to either party,  
8 or shall in any manner aid or assist in such duel, or shall be  
9 knowingly the bearer of such challenge or acceptance: but no  
10 person shall be so disqualified by reason of his having hereto-  
11 fore fought such duel, or sent or accepted such challenge, or  
12 been second in such duel, or been the bearer of such challenge  
13 or acceptance.

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*The following Resolution was submitted by Mr. MASON of South-  
ampton, and adopted by the Convention.*

Resolved, that the Select Committee, raised "to prepare and  
2 report, either a new Constitution or amendments to the existing  
3 one," be instructed to report an apportionment of the represen-  
4 tation in the Senate and House of Delegates, amongst the seve-  
5 ral counties, boroughs, and election districts of the Common-  
6 wealth, conformably to the resolutions to them referred.



## AMENDED CONSTITUTION.

[ January 11th, 1830. ]

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Whereas the Delegates and Representatives of the good people of Virginia in Convention assembled, on the twenty-ninth day of June, in the year of our Lord one thousand seven hundred and seventy-six : Reciting and declaring, that whereas, George the third, King of Great Britain and Ireland and Elector of Hanover, before that time entrusted with the exercise of the kingly office in the Government of Virginia, had endeavoured to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good ; by denying his governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and when so suspended neglecting to attend to them for many years ; by refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the Legislature ; by dissolving legislative assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people ; when dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any Legislative head ; by endeavoring to prevent the population of our country, and for that purpose obstructing the laws for the naturalization of foreigners ; by keeping among us, in time of peace, standing armies and ships of war ; by affecting to render the military independent of and superior to the civil power ; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation, for quartering large bodies of armed troops among us, for cutting off our trade with all parts of the world, for imposing taxes on us without our consent, for depriving us of the benefits of the trial by jury, for transporting us beyond seas, to be tried for pretended offences, for suspending our own Legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever ; by plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people ; by inciting insurrections of our fellow subjects

36 with the allurements of forfeiture and confiscation ; by prompt-  
 37 ing our negroes to rise in arms among us, those very negroes,  
 38 whom by an inhuman use of his negative he had refused us per-  
 39 mission to exclude by law ; by endeavoring to bring on the in-  
 40 habitants of our frontiers, the merciless indian savages, whose  
 41 known rule of warfare is an undistinguished destruction of all  
 42 ages, sexes and conditions of existence ; by transporting a large  
 43 army of foreign mercenaries, to complete the work of death, de-  
 44 solation and tyranny, then already begun with circumstances of  
 45 cruelty and perfidy unworthy the head of a civilized nation ; by  
 46 answering our repeated petitions for redress with a repetition of  
 47 injuries ; and finally, by abandoning the helm of government,  
 48 and declaring us out of his allegiance and protection : by which  
 49 several acts of misrule, the government of this country, as be-  
 50 fore exercised under the Crown of Great Britain, was totally  
 51 dissolved : Did, therefore, having maturely considered the pre-  
 52 mises, and viewing with great concern the deplorable condition,  
 53 to which this once happy country would be reduced, unless  
 54 some regular adequate mode of civil polity should be speedily  
 55 adopted, and in compliance with the recommendation of the  
 56 General Congress, ordain and declare, a form of government of  
 57 Virginia :

58 And whereas the General Assembly of Virginia, by an act  
 59 passed on the tenth day of February, in the year of our Lord  
 60 one thousand eight hundred and twenty-nine, entitled an act to  
 61 organize a Convention, did authorise and provide for the elec-  
 62 tion, by the people, of Delegates and Representatives, to meet  
 63 and assemble, in general Convention, at the Capitol in the city  
 64 of Richmond, on the first Monday of October in the year last  
 65 aforesaid, to consider, discuss and propose, a new Constitution,  
 66 or alterations and amendments of the existing Constitution of  
 67 this Commonwealth, to be submitted to the people and to be  
 68 by them ratified or rejected :

69 We, therefore, the Delegates and Representatives of the good  
 70 people of Virginia, elected and in Convention assembled, in  
 71 pursuance of the said act of Assembly, do submit and propose  
 72 to the people, the following amended Constitution and Form of  
 73 Government for this Commonwealth, that is to say :

I. The Legislative, Executive, and Judiciary Department,  
 2 shall be separate and distinct, so that neither exercise the pos-  
 3 sers properly belonging to either of the others ; nor shall any  
 4 person exercise the powers of more than one of them at the  
 5 same time, except that the Justices of the County Courts shall  
 6 be eligible to either House of Assembly.

II. The Legislature shall be formed of two distinct branches,  
 2 which together shall be a complete Legislature, and shall be  
 3 called the General Assembly of Virginia.

III. One of these shall be called The House of Delegates, and shall consist of one hundred and thirty-four members, to be chosen, annually, for and by the several counties, cities, towns and boroughs of the Commonwealth; whereof thirty Delegates shall be chosen for and by the twenty-six counties lying West of the Alleghany mountains; twenty-five, for and by the fourteen counties lying between the Alleghany and Blue Ridge of mountains; forty-one, for and by the twenty-nine counties lying East of the Blue Ridge of mountains and above tide-water; and thirty-six for and by the counties, cities, towns and boroughs lying upon tide-water, that is to say: Of the twenty-six counties lying West of the Alleghany, the counties of Harrison, Monongalia, Ohio and Washington, shall each elect two Delegates; and the counties of Brooke, Cabell, Grayson, Greenbrier, Giles, Kanawha, Lee, Lewis, Logan, Mason, Monroe, Nicholas, Pocahontas, Preston, Raudolph, Russell, Scott, Tazewell, Tyler, Wood and Wythe, shall each elect one Delegate. Of the fourteen counties lying between the Alleghany and Blue Ridge, the counties of Frederick and Shenandoah, shall each elect three Delegates; the counties of Augusta, Berkeley, Botetourt, Hampshire, Jefferson, Rockingham and Rockbridge, shall each elect two Delegates; and the counties of Alleghany, Bath, Hardy, Morgan and Pendleton, shall each elect one Delegate. Of the twenty-nine counties lying East of the Blue Ridge and above tide-water, the county of Loudoun, shall elect three Delegates; the counties of Albemarle, Bedford, Franklin, Montgomery, Brunswick, Buckingham, Campbell, Culpeper, Fauquier, Halifax, Mecklenburg and Pittsylvania, shall each elect two Delegates; and the counties of Amelia, Amherst, Charlotte, Cumberland, Dinwiddie, Fluvanna, Goochland, Henry, Louisa, Lunenburg, Madison, Nelson, Nottoway, Orange, Patrick, Powhatan and Prince Edward, shall each elect one Delegate. And of the counties, cities, towns and boroughs lying on tide-water, the counties of Accomack and Norfolk, shall each elect two Delegates; the counties of Caroline, Chesterfield, Essex, Fairfax, Greenville, Gloucester, Hanover, Henrico, Isle of Wight, King & Queen, King William, King George, Nansemond, Northumberland, Northampton, Princess Anne, Prince George, Prince William, Southampton, Spotsylvania, Stafford, Sussex, Surry and Westmoreland, and the city of Richmond, the borough of Norfolk, and the town of Petersburg, shall each elect one Delegate; the counties of Lancaster and Richmond, shall together elect one Delegate; the counties of Matthews and Middlesex, shall together elect one Delegate; the counties of Elizabeth City and Warwick, shall together elect one Delegate; the counties of James City and York, and the city of Williamsburg, shall together elect one Delegate;

48 and the counties of New Kent and Charles City, shall together  
49 elect one Delegate.

IV. The other House of the General Assembly shall be called  
2 the Senate, and shall consist of thirty-two members, of whom  
3 thirteen shall be chosen for and by the counties lying West of  
4 the Blue Ridge of mountains, and nineteen for and by the coun-  
5 ties, cities, towns and boroughs lying East thereof, and for the  
6 election of whom, the counties, cities, towns and boroughs shall  
7 be divided into thirty-two districts, as herein after provided.  
8 Each county of the respective districts, at the time of the first  
9 election of its Delegate or Delegates under this Constitution,  
10 shall vote for one Senator; and the Sheriffs or other officers  
11 holding the election for each county, city, town or borough,  
12 within five days at farthest after the last county, city, town or  
13 borough election in the district, shall meet at some convenient  
14 place, and from the polls so taken in their respective counties,  
15 cities, towns or boroughs, return as a Senator the person who  
16 shall have the greatest number of votes in the whole district.  
17 To keep up this Assembly by rotation, the districts shall be  
18 equally divided into four classes, and numbered by lot. At the  
19 end of one year after the first general election, the eight mem-  
20 bers elected by the first division shall be displaced, and the va-  
21 cancies thereby occasioned, supplied from such class or division  
22 by new election in the manner aforesaid. This rotation shall  
23 be applied to each division according to its number, and con-  
24 tinued in due order annually. And for the election of Senators,  
25 the counties of Brooke, Ohio and Tyler, shall form one district :  
26 the counties of Monongalia, Preston and Randolph, shall form  
27 another district : the counties of Harrison, Lewis and Wood,  
28 shall form another district : the counties of Kanawha, Mason,  
29 Cabell, Logan and Nicholas, shall form another district : the  
30 counties of Greenbrier, Monroe, Giles and Montgomery, shall  
31 form another district : the counties of Tazewell, Wythe and  
32 Grayson, shall form another district : the counties of Washing-  
33 ton, Russell, Scott and Lee, shall form another district : the  
34 counties of Berkeley, Morgan and Hampshire, shall form ano-  
35 ther district : the counties of Frederick and Jefferson, shall form  
36 another district : the counties of Shenandoah and Hardy, shall  
37 form another district : the counties of Rockingham and Pendle-  
38 ton, shall form another district : the counties of Augusta and  
39 Rockbridge, shall form another district : the counties of Alb-  
40 any, Bath, Pocahontas and Botetourt, shall form another dis-  
41 trict : the counties of Loudoun and Fairfax, shall form another  
42 district : the counties of Fauquier and Prince William, shall  
43 form another district : the counties of Stafford, King George,  
44 Westmoreland, Richmond, Lancaster and Northumberland, shall  
45 form another district : the counties of Culpeper, Madison and

46 Orange, shall form another district : the counties of Albemarle,  
 47 Nelson and Amherst, shall form another district : the counties of  
 48 Fluvanna, Goochland, Louisa and Hanover, shall form another  
 49 district : the counties of Spottsylvania, Caroline and Essex,  
 50 shall form another district : the counties of King & Queen, King  
 51 William, Gloucester, Matthews and Middlesex, shall form ano-  
 52 ther district : the counties of Accomack, Northampton, Eliza-  
 53 beth City, York and Warwick, and the city of Williamsburg,  
 54 shall form another district : the counties of Charles City, James  
 55 City, New Kent and Henrico, and the city of Richmond, shall  
 56 form another district : the counties of Bedford and Franklin,  
 57 shall form another district : the counties of Buckingham, Camp-  
 58 bell and Cumberland, shall form another district : the counties  
 59 of Patrick, Henry and Pittsylvania, shall form another district :  
 60 the counties of Halifax and Mecklenburg, shall form another  
 61 district : the counties of Charlotte, Lunenburg, Nottoway and  
 62 Prince Edward, shall form another district : the counties of  
 63 Amelia, Powhatan and Chesterfield, and the town of Petersburg,  
 64 shall form another district : the counties of Brunswick, Dinwid-  
 65 die and Greenville, shall form another district : the counties of  
 66 Isle of Wight, Prince George, Southampton, Surry and Sussex,  
 67 shall form another district : and the counties of Norfolk, Nanse-  
 68 mond and Princess Anne, and the borough of Norfolk, shall  
 69 form another district.

V. It shall be the duty of the Legislature to re-apportion,  
 2 once in ten years, to wit : in the year 1844, and every ten  
 3 years thereafter, the representation of the counties, cities, towns,  
 4 and boroughs of this Commonwealth, in both of the Legisla-  
 5 tive bodies : Provided, however, that the number of Delegates  
 6 from the aforesaid great districts, and the number of Senators  
 7 from the aforesaid two great divisions respectively, shall neither be  
 8 increased nor diminished by such re-apportionment. And when  
 9 a new county shall hereafter be created, or any city, town, or  
 10 borough not now entitled to separate representation in the  
 11 House of Delegates, shall have so increased in population as to  
 12 be entitled in the opinion of the General Assembly to said re-  
 13 presentation, it shall be the duty of the General Assembly, to  
 14 make provision by law, for securing to the people of such new  
 15 county, or such city, town or borough, an adequate representa-  
 16 tion; and if the object cannot otherwise be effected, it shall be  
 17 competent to the General Assembly to re-apportion the whole re-  
 18 presentation of the great district containing such new county, or  
 19 such city, town or borough within its limits : which re-apportion-  
 20 ment shall continue in force till the next regular decennial re-  
 21 apportionment.

VI. Any person may be elected a Senator who shall have at-  
 2 tained to the age of thirty years, and shall be actually a resident



3 and freeholder within the district, qualified by virtue of his free-  
 4 hold to vote for members of the General Assembly according  
 5 to this Constitution. And any person may be elected a mem-  
 6 ber of the House of Delegates, who shall have attained the age  
 7 of twenty-five years, and shall be actually a resident and free-  
 8 holder within the county, city, town, borough or election district,  
 9 qualified to vote for members of the General Assembly accord-  
 10 ing to this Constitution: Provided, that all persons holding la-  
 11 crative offices and Ministers of the Gospel and Priests of every  
 12 denomination, shall be incapable of being elected members of  
 13 either House of Assembly.

VII. The General Assembly shall meet once or oftener every  
 2 year. Neither House, during the session of the Legislature,  
 3 shall without the consent of the other, adjourn for more than  
 4 three days, nor to any other place than that in which the two  
 5 Houses shall be sitting. A majority of each House shall con-  
 6 stitute a quorum to do business; but a smaller number may ad-  
 7 journ from day to day, and shall be authorised to compel the  
 8 attendance of absent members, in such manner and under such  
 9 penalties as each House may provide. And each House shall  
 10 choose its own Speaker, appoint its own officers, settle its own  
 11 rules of proceeding, and direct writs of election for supply-  
 12 ing intermediate vacancies. But if vacancies shall occur by  
 13 death or resignation, during the recess of the General Assem-  
 14 bly, such writs may be issued by the Governor, under such re-  
 15 gulations as may be prescribed by law. Each House shall  
 16 judge of the election, qualification and returns of its members;  
 17 may punish its members for disorderly behaviour, and with the  
 18 concurrence of two-thirds, expel a member, but not a second  
 19 time for the same offence.

VIII. All laws shall originate in the House of Delegates, to be  
 2 approved or rejected by the Senate, or to be amended with the  
 3 consent of the House of Delegates, except money bills, which  
 4 in no instance shall be altered by the Senate, but wholly ap-  
 5 proved or rejected.

IX. The members of the Assembly shall receive for their  
 2 services a compensation to be ascertained by law, and paid out  
 3 of the public Treasury; but no law increasing the compensa-  
 4 tion of the members shall take effect until the end of the next  
 5 annual session after such law shall have been enacted. And  
 6 no Senator or Delegate shall, during the term for which he  
 7 shall have been elected, be appointed to any civil office of profit  
 8 under the Commonwealth, which shall have been created, or  
 9 the emoluments of which shall have been increased, during such  
 10 term, except such offices as may be filled by elections by the  
 11 people.

X. The Governor, the Judges of the Court of Appeals and Superior Courts, and all others offending against the State, either by mal-administration, corruption, neglect of duty, or any other high crime or misdemeanor, shall be impeachable by the House of Delegates; such impeachment to be prosecuted before the Senate, which shall have the sole power to try all impeachments. When sitting for that purpose the Senate shall be on oath or affirmation: and no person shall be convicted without the concurrence of two thirds of the members present. Judgment, in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the Commonwealth; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

XI. The Legislature shall not pass any bill of attainder; or any *ex post facto* law; or any law impairing the obligation of contracts; or any law, whereby private property shall be taken for public uses without just compensation; or any law abridging the freedom of speech, or of the press. No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened, in his body or goods, or otherwise suffer, on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise affect, diminish or enlarge their civil capacities. And the Legislature shall not prescribe any religious test whatever; nor confer any peculiar privileges or advantages on any one sect or denomination; nor pass any law requiring or authorising any religious society, or the people of any district, within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house for public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

XII. The Legislature may provide by law that no person shall be capable of holding or being elected to any post of profit, trust or emolument, civil or military, Legislative, Executive or Judicial, under the Government of this Commonwealth, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be a second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance; but no person shall be so disqualified by reason of his having heretofore fought such duel, or sent or accepted such challenge, or

12 been second in such duel, or bearer of such challenge or ac-  
13 ceptance.

XIII. Every white male citizen of the Commonwealth, resident  
2 therein, aged twenty-one years and upwards, being qualified to  
3 exercise the right of suffrage according to the former Consti-  
4 tution and laws; and every such citizen, being possessed, or whose  
5 tenant for years, at will or at sufferance, is possessed, of an es-  
6 tate of freehold in land of the value of twenty-five dollars, and  
7 so assessed to be if any assessment thereof be required by law;  
8 and every such citizen, being possessed, as tenant in common,  
9 joint tenant or parcener, of an interest in or share of land, and  
10 having an estate of freehold therein, such interest or share being  
11 of the value of twenty-five dollars, and so assessed to be if any  
12 assessment thereof be required by law; and every such citizen  
13 being entitled to a reversion or vested remainder in fee, expec-  
14 tant on an estate for life or lives, in land of the value of fifty  
15 dollars, and so assessed to be if any assessment thereof be re-  
16 quired by law; (each and every such citizen, unless his title  
17 shall have come to him by descent, devise, marriage or marriage  
18 settlement, having been so possessed or entitled for six months);  
19 and every such citizen, who shall own and be himself in actual  
20 occupation of a leasehold estate, with the evidence of title re-  
21 corded two months before he shall offer to vote, of a term ori-  
22 ginally not less than five years, of the annual value or rent of  
23 twenty dollars; and every such citizen, who for twelve months  
24 next preceding has been a house-keeper and head of a family  
25 within the county, city, town, borough or election district where  
26 he may offer to vote, and shall have been assessed with a part  
27 of the revenue of the Commonwealth within the preceding year,  
28 and actually paid the same—and no other persons—shall be  
29 qualified to vote for members of the General Assembly in the  
30 county, city, town or borough, respectively, wherein such land  
31 shall lie, or such house-keeper and head of a family shall live.  
32 And in case of two or more tenants in common, jointtenants or  
33 parcnors, in possession, reversion or remainder, having interest  
34 in land, the value whereof shall be insufficient to entitle them  
35 all to vote, they shall together have as many votes as the value  
36 of the land shall entitle them to; and the Legislature shall by  
37 law provide the mode in which their vote or votes shall in such  
38 case be given: Provided, nevertheless, that the right of suffrage  
39 shall not be exercised by any person of unsound mind, or who  
40 shall be a pauper, or a non-commissioned officer, soldier, seaman  
41 or marine, in the service of the United States, or by any person  
42 convicted of any infamous offence.

XIV. In all elections in this Commonwealth, to any office or  
2 place of trust, honor or profit, the votes shall be given openly  
3 or *visd voce*, and not by ballot.

XV. The chief Executive power of this Commonwealth, shall be vested in a Governor, to be elected by the joint vote of the two Houses of the General Assembly. He shall hold his office, during the term of three years, to commence on the first day of January next succeeding his election, or on such other day, as may from time to time be prescribed by law ;—and he shall be ineligible to that office, for three years next after his term of service shall have expired.

XVI. No person shall be eligible to the office of Governor, unless he shall have attained the age of thirty years, shall be a native citizen of the United States, or shall have been a citizen thereof at the adoption of the Federal Constitution, and shall have been a citizen of this Commonwealth for five years next preceding his election.

XVII. The Governor shall receive for his services, a compensation to be fixed by law, which shall be neither increased nor diminished, during his continuance in office.

XVIII. He shall take care that the laws be faithfully executed ; shall communicate to the Legislature, at every session, the condition of the Commonwealth, and recommend to their consideration such measures as he may deem expedient. He shall be Commander-in-Chief of the land and naval forces of the State. He shall have power to embody the militia, when in his opinion, the public safety shall require it ; to convene the Legislature, on application of a majority of the members of the House of Delegates, or when, in his opinion, the interest of the Commonwealth may require it ; to grant reprieves and pardons, except where the prosecution shall have been carried on by the House of Delegates, or the law shall otherwise particularly direct ; to conduct, either in person, or in such manner as shall be prescribed by law, all intercourse with other and foreign States ; and during the recess of the Legislature, to fill, *pro tempore*, all vacancies in those offices, which it may be the duty of the Legislature to fill permanently : Provided, that his appointments to such vacancies shall be by commissions to expire at the end of the next succeeding session of the General Assembly.

XIX. Commissions and grants shall run in the name of the Commonwealth of Virginia, and bear test by the Governor, with the seal of the Commonwealth annexed.

XX. The General Assembly shall provide by law, for the discharge of the Executive duties, in all cases of the temporary inability of the Governor to discharge them, and of vacancy in his office, by reason of his absence from the seat of Government, sickness, death, removal from office, resignation, or other cause.

XXI. The manner of appointing militia officers shall be provided for by law; but no officer below the rank of a Brigadier General, shall be appointed by the General Assembly.

XXII. A Treasurer shall be appointed annually by joint vote of both Houses.

XXIII. The Judicial power shall be vested in a Supreme Court of Appeals, in such Superior Courts as the Legislature may from time to time ordain and establish, and the Judges thereof, in the County Courts, and in Justices of the Peace. The Legislature may also vest such jurisdiction as shall be deemed necessary in Corporation Courts, and in the Magistrates who may belong to the corporate body. The jurisdiction of these tribunals, and of the Judges thereof, shall be regulated by law. The Judges of the Supreme Court of Appeals and of the Superior Courts shall hold their offices during good behaviour, or until removed in the manner prescribed in this Constitution; and shall, at the same time, hold no other office, appointment, or public trust; and the acceptance thereof by either of them shall vacate his Judicial office.

XXIV. The present Judges of the Supreme Court of Appeals, of the General Court, and of the Superior Courts of Chancery shall remain in office until the termination of the session of the first Legislature elected under this Constitution, and no longer.

XXV. The Judges of the Supreme Court of Appeals and of the Superior Courts shall be elected by the joint vote of both Houses of the General Assembly.

XXVI. The Judges of the Supreme Court of Appeals and of the Superior Courts shall receive fixed and adequate salaries, which shall not be diminished during their continuance in office.

XXVII. On the creation of any new county, Justices of the Peace shall be appointed, in the first instance, in such manner as may be prescribed by law. When vacancies shall occur in any county, or it shall, for any cause, be deemed necessary to increase their number, appointments shall be made by the Governor, on the recommendation of their respective County Courts.

XXVIII. The Attorney General shall be appointed by joint vote of the two Houses of the General Assembly, and commissioned by the Governor, and shall hold his office, during the pleasure of the General Assembly. The Clerks of the several Courts, when vacancies shall occur, shall be appointed by their respective Courts, and the tenure of office, as well of those now in office as of those who may be hereafter appointed, shall be prescribed by law. The Sheriffs and Coroners shall be nominated by the respective County Courts, and when approved by the Governor, shall be commissioned by him. The Justices shall appoint Constables. And all fees of the aforesaid officers, shall be regulated by law.

XXIX. Judges may be removed from office by a concurrent  
2 vote of both Houses of the General Assembly ; but two-thirds  
3 of the members present must concur in such vote, and the  
4 cause of removal shall be entered on the Journals of each.  
5 The Judge against whom the Legislature may be about to  
6 proceed, shall receive notice thereof, accompanied with a copy  
7 of the causes alleged for his removal, at least twenty days before  
8 the day on which either House of the General Assembly shall  
9 act thereupon.

XXX. Writs shall run in the name of the Commonwealth of  
2 Virginia, and bear test by the Clerks of the several Courts.  
3 Indictments shall conclude Against the peace and dignity of the  
4 Commonwealth.

XXXI. The Executive Department of the Government shall  
2 remain as at present organized, and the Governor and Privy  
3 Councillors shall continue in office, until a Governor elected,  
4 under this Constitution, shall come into office;—and all other  
5 persons in office when this Constitution shall be adopted, except  
6 as is herein otherwise expressly directed, shall continue in office,  
7 till successors shall be appointed, or the law shall otherwise pro-  
8 vide; and all the Courts of Justice now existing shall continue  
9 with their present jurisdiction, until and except so far as, the  
10 Judicial system may or shall be hereafter otherwise organized  
11 by the Legislature.

XXXII. The Declaration of Rights made on the 12th June,  
2 1776, by the representatives of the good people of Virginia as-  
3 sembled in full and free Convention, which pertained to them  
4 and their posterity, as the basis and foundation of Government;  
5 requiring in the opinion of this Convention no amendment, shall  
6 be prefixed to this Constitution, and have the same relation  
7 thereto as it had to the former Constitution of this Common-  
8 wealth.



**PROPOSITION****SUBMITTED BY MR. MADISON.**

[ January 11, 1830. ]

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The General Assembly, after the year            and at intervals  
2 thereafter, of not less than            years, shall have authority,  
3 two-thirds of each House concurring, to make re-apportion-  
4 ments of Delegates and Senators throughout the Common-  
5 wealth, so that the number of Delegates shall not at any time  
6 exceed            , nor of Senators





# BILL OF RIGHTS.

*A Declaration of Rights made by the Representatives of the good People of VIRGINIA, assembled in full and free Convention; which rights do pertain to them, and their Posterity, as the basis and foundation of Government.*

[Unanimously adopted, June 12th, 1776.]

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from, the people; that Magistrates are their trustees and servants, and at all times amenable to them.

3. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation, or community: of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of Magistrate, Legislator, or Judge, to be hereditary.

5. That the Legislative and Executive powers of the State should be separate and distinct from the Judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

6. That elections of members to serve as representatives of the people, in Assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

8. That, in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

10. That general warrants, whereby any officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

11. That, in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

13. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free State; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that in all

cases, the military should be under strict subordination to, and governed by, the civil power.

14. That the people have a right to uniform government; and therefore, that no government separate from, or independent of, the government of *Virginia*, ought to be erected or established within the limits thereof.

15. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other.

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## AN AMENDED CONSTITUTION

OR

### FORM OF GOVERNMENT FOR VIRGINIA.

[Adopted January 14th, 1830.]

Whereas the Delegates and Representatives of the good people of Virginia, in Convention assembled, on the twenty-ninth day of June, in the year of our Lord one thousand seven hundred and seventy-six: reciting and declaring, that whereas, George the third, King of Great Britain and Ireland, and Elector of Hanover, before that time entrusted with the exercise of the kingly office in the Government of Virginia, had endeavoured to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good; by denying his Governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and when so suspended neglecting to attend to them for many years; by refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the Legislature; by dissolving legislative assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people; when dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any legislative head; by endeavouring to prevent the population of our country, and for that purpose obstructing the laws for the naturalization of foreigners; by keeping among us, in time of peace, standing armies and ships of war; by affecting to render the military independent of and superior to the civil power; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation, for quartering large bodies of armed troops among us, for cutting off our trade with all parts of the world, for imposing taxes on us without our consent, for depriving us of the benefits of the trial by jury, for transporting us beyond seas to be tried for pretended offences, for suspending our own Legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever; by plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people; by inciting insurrections of our fellow-subjects with the allurements of forfeiture and confiscation; by prompting our negroes to rise in arms among us, those very negroes, whom by an inhuman use of his negative he had refused us permission to exclude by law; by endeavouring to bring on the inhabitants of our frontiers, the merciless indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions of existence; by transporting hither a large army of foreign mercenaries, to complete the work of death, desolation and tyranny, then already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation; by answering our repeated petitions for redress with a repetition of injuries; and finally, by abandoning the helm of government, and declaring us out of his allegiance and protection: by which several acts of miracle, the government of this country, as before exercised under the Crown of Great Britain, was totally dissolved: did, therefore, having maturely considered the premises, and viewing with great concern the deplorable condition, to which this

once happy country would be reduced, unless some regular adequate mode of civil polity should be speedily adopted, and in compliance with the recommendation of the General Congress, ordain and declare a form of government of Virginia :

And whereas the General Assembly of Virginia, by an act passed on the tenth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled, an act to organize a Convention, did authorise and provide for the election, by the people, of Delegates and Representatives, to meet and assemble, in General Convention, at the Capitol in the City of Richmond, on the first Monday of October in the year last aforesaid, to consider, discuss and propose, a new Constitution, or alterations and amendments of the existing Constitution of this Commonwealth, to be submitted to the people and to be by them ratified or rejected :

We, therefore, the Delegates and Representatives of the good people of Virginia, elected and in Convention assembled, in pursuance of the said act of Assembly, do submit and propose to the people, the following amended Constitution and Form of Government for this Commonwealth, that is to say :

## ARTICLE I.

The Declaration of Rights made on the 12th June, 1776, by the representatives of the good people of Virginia assembled in full and free Convention, which pertained to them and their posterity, as the basis and foundation of Government ; requiring in the opinion of this Convention no amendment, shall be prefixed to this Constitution, and have the same relation thereto as it had to the former Constitution of this Commonwealth.

## ARTICLE II.

The Legislative, Executive and Judiciary Departments, shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others ; nor shall any person exercise the powers of more than one of them at the same time, except that the Justices of the County Courts shall be eligible to either House of Assembly.

## ARTICLE III.

1. The Legislature shall be formed of two distinct branches, which together shall be a complete Legislature, and shall be called the General Assembly of Virginia.

2. One of these shall be called The House of Delegates, and shall consist of one hundred and thirty-four members, to be chosen, annually, for and by the several counties, cities, towns and boroughs of the Commonwealth ; whereof thirty-one Delegates shall be chosen for and by the twenty-six counties lying West of the Alleghany mountains ; twenty-five, for and by the fourteen counties lying between the Alleghany and Blue Ridge of mountains ; forty-two for and by the twenty-nine counties lying East of the Blue Ridge of mountains and above tide-water ; and thirty-six, for and by the counties, cities, towns and boroughs lying upon tide-water, that is to say : Of the twenty-six counties lying West of the Alleghany, the counties of Harrison, Montgomery, Monongalia, Ohio and Washington, shall each elect two Delegates ; and the counties of Brooke, Cabell, Grayson, Greenbrier, Giles, Kanawha, Lee, Lewis, Logan, Mason, Monroe, Nicholas, Pocahontas, Preston, Randolph, Russell, Scott, Tazewell, Tyler, Wood and Wythe, shall each elect one Delegate. Of the fourteen counties lying between the Alleghany and Blue Ridge, the counties of Frederick and Shenandoah, shall each elect three Delegates ; the counties of Augusta, Berkeley, Botetourt, Hampshire, Jefferson, Rockingham and Rockbridge, shall each elect two Delegates ; and the counties of Alleghany, Bath, Hardy, Morgan and Pendleton, shall each elect one Delegate. Of the twenty-nine counties lying East of the Blue Ridge and above tide-water, the county of Loudoun, shall elect three Delegates ; the counties of Albemarle, Bedford, Brunswick, Buckingham, Campbell, Culpeper, Fauquier, Franklin, Halifax, Mecklenburg and Pittsylvania, shall each elect two Delegates ; and the counties of Amelia, Amherst, Charlotte, Cumberland, Dinwiddie, Fluvanna, Goochland, Henry, Louisa, Lunenburg, Madison, Nelson, Nottoway, Orange, Patrick, Powhatan and Prince Edward, shall each elect one Delegate. And of the counties, cities, towns and boroughs lying on tide-water, the counties of Accomack and Norfolk, shall each elect two Delegates ; the counties of Caroline, Chesterfield, Essex, Fairfax, Greenville, Gloucester, Hanover, Henrico, Isle of Wight, King & Queen, King William, King George, Nansemond, Northumberland, Northampton, Princess Anne, Prince George, Prince William, Southampton, Spotsylvania, Stafford, Sussex, Surry, and Westmoreland, and the city of Richmond, the borough of Norfolk, and the town of Petersburg, shall each elect one Delegate ; the counties of Lancaster and Richmond, shall together elect one Delegate ; the counties of Matthews and Middlesex, shall together elect one Delegate ; the counties of Elizabeth City and Warwick, shall together elect one Delegate ; the counties of James

City and York, and the city of Williamsburg, shall together elect one Delegate; and the counties of New Kent and Charles City, shall together elect one Delegate.

3. The other House of the General Assembly shall be called the Senate, and shall consist of thirty-two members, of whom thirteen shall be chosen for and by the counties lying West of the Blue Ridge of mountains, and nineteen for and by the counties, cities, towns and boroughs lying East thereof; and for the election of whom, the counties, cities, towns and boroughs shall be divided into thirty-two districts, as herein after provided. Each county of the respective districts, at the time of the first election of its Delegate or Delegates under this Constitution, shall vote for one Senator; and the Sheriffs or other officers holding the election for each county, city, town or borough, within five days at farthest after the last county, city, town or borough election in the district, shall meet at some convenient place, and from the polls so taken in their respective counties, cities, towns or boroughs, return as a Senator the person who shall have the greatest number of votes in the whole district. To keep up this Assembly by rotation, the districts shall be equally divided into four classes, and numbered by lot. At the end of one year after the first general election, the eight members elected by the first division shall be displaced, and the vacancies thereby occasioned, supplied from such class or division by new election in the manner aforesaid. This rotation shall be applied to each division according to its number, and continued in due order annually. And for the election of Senators, the counties of Brooke, Ohio and Tyler, shall form one district: the counties of Monongalia, Preston and Randolph, shall form another district: the counties of Harrison, Lewis and Wood, shall form another district: the counties of Kanawha, Mason, Cabell, Logan and Nicholas, shall form another district: the counties of Greenbrier, Monroe, Giles and Montgomery, shall form another district: the counties of Tazewell, Wythe and Grayson, shall form another district: the counties of Washington, Russell, Scott and Lee, shall form another district: the counties of Berkeley, Morgan and Hampshire, shall form another district: the counties of Frederick and Jefferson, shall form another district: the counties of Sheeandoah and Hardy shall form another district: the counties of Rockingham and Pendleton shall form another district: the counties of Augusta and Rockbridge shall form another district: the counties of Alleghany, Bath, Pocahontas and Botetourt, shall form another district: the counties of Loudoun and Fairfax shall form another district: the counties of Fauquier and Prince William shall form another district: the counties of Stafford, King George, Westmoreland, Richmond, Lancaster and Northumberland, shall form another district: the counties of Culpeper, Madison and Orange, shall form another district: the counties of Albemarle, Nelson and Amherst, shall form another district: the counties of Fannina, Goochland, Louisa and Hanover, shall form another district: the counties of Spottsylvania, Caroline and Essex, shall form another district: the counties of King & Queen, King William, Gloucester, Matthews and Middlesex, shall form another district: the counties of Accomack, Northampton, Elizabeth City, York and Warwick, and the city of Williamsburg, shall form another district: the counties of Charles City, James City, New Kent and Henrico, and the city of Richmond, shall form another district: the counties of Bedford and Franklin, shall form another district: the counties of Buckingham, Campbell and Cumberland, shall form another district: the counties of Patrick, Henry and Pittsylvania, shall form another district: the counties of Halifax and Mecklenburg, shall form another district: the counties of Charlotte, Lunenburg, Nottoway and Prince Edward, shall form another district: the counties of Amelia, Powhatan and Chesterfield, and the town of Petersburg, shall form another district: the counties of Brunswick, Dinwiddie and Greenville, shall form another district: the counties of Isle of Wight, Prince George, Southampton, Surry and Sussex, shall form another district: and the counties of Norfolk, Nansemond and Princess Anne, and the borough of Norfolk, shall form another district.

4. It shall be the duty of the Legislature, to re-apportion, once in ten years, to wit: in the year 1841, and every ten years thereafter, the representation of the counties, cities, towns and boroughs, of this Commonwealth, in both of the Legislative bodies: Provided, however, that the number of Delegates from the aforesaid great districts, and the number of Senators from the aforesaid two great divisions, respectively, shall neither be increased nor diminished by such re-apportionment. And when a new county shall hereafter be created, or any city, town or borough, not now entitled to separate representation in the House of Delegates, shall have so increased in population as to be entitled, in the opinion of the General Assembly, to such representation, it shall be the duty of the General Assembly to make provision by law for securing to the people of such new county, or such city, town or borough, an adequate representation. And if the object cannot otherwise be effected, it shall be competent to the General Assembly to re-apportion the whole representation of the great districts containing such new county, or such city, town or borough, within its limits; which re-apportionment shall continue in force till the next regular decennial re-apportionment.

5. The General Assembly, after the year 1841, and at intervals thereafter of not less than ten years, shall have authority, two-thirds of each House concurring, to

make re-apportionments of Delegates and Senators, throughout the Commonwealth, so that the number of Delegates shall not at any time exceed 150, nor of Senators 36.

6. The whole number of members to which the State may at any time be entitled in the House of Representatives of the United States, shall be apportioned as nearly as may be, amongst the several counties, cities, boroughs and towns of the State, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

7. Any person may be elected a Senator who shall have attained to the age of thirty years, and shall be actually a resident and freeholder within the district, qualified by virtue of his freehold, to vote for members of the General Assembly according to this Constitution. And any person may be elected a member of the House of Delegates, who shall have attained the age of twenty-five years, and shall be actually a resident and freeholder within the county, city, town, borough or election district, qualified by virtue of his freehold, to vote for members of the General Assembly according to this Constitution: Provided, that all persons holding lucrative offices and Ministers of the Gospel and Priests of every denomination, shall be incapable of being elected members of either House of Assembly.

8. The members of the Assembly shall receive for their services a compensation to be ascertained by law, and paid out of the public Treasury: but no law increasing the compensation of the members shall take effect until the end of the next annual session after such law shall have been enacted. And no Senator or Delegate shall, during the term for which he shall have been elected, be appointed to any civil office of profit under the Commonwealth, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as may be filled by elections by the people.

9. The General Assembly shall meet once or oftener every year. Neither House, during the session of the Legislature, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised to compel the attendance of absent members, in such manner and under such penalties as each House may provide. And each House shall choose its own Speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies. But if vacancies shall occur by death or resignation, during the recess of the General Assembly, such writs may be issued by the Governor, under such regulations as may be prescribed by law. Each House shall judge of the election, qualification and returns of its members; may punish its members for disorderly behaviour, and with the concurrence of two-thirds, expel a member, but not a second time for the same offence.

10. All laws shall originate in the House of Delegates, to be approved or rejected by the Senate, or to be amended with the consent of the House of Delegates.

11. The privilege of the Writ of *Habeas Corpus* shall not in any case be suspended. The Legislature shall not pass any bill of attainder; or any *ex post facto* law; or any law impairing the obligation of contracts; or any law, whereby private property shall be taken for public uses, without just compensation; or any law abridging the freedom of Speech, or of the Press. No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened in his body or goods, or otherwise suffer, on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise affect, diminish or enlarge their civil capacities. And the Legislature shall not prescribe any religious test whatever; nor confer any peculiar privileges or advantages on any one sect or denomination; nor pass any law requiring or authorising any religious society, or the people of any district within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house for public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

12. The Legislature may provide by law that no person shall be capable of holding or being elected to any post or profit, trust or emolument, civil or military, Legislative, Executive or Judicial, under the Government of this Commonwealth, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be a second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance; but no person shall be so disqualified by reason of his having heretofore fought such duel, or sent or accepted such challenge, or been second in such duel, or bearer of such challenge or acceptance.

13. The Governor, the Judges of the Court of Appeals and Superior Courts, and all others offending against the State, either by mal-administration, corruption, neglect of duty, or any other high crime or misdemeanor, shall be impeachable by the House of Delegates; such impeachment to be prosecuted before the Senate, which shall have the sole power to try all impeachments. When sitting for that purpose, the Senate shall be on oath or affirmation: and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the Commonwealth; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

14. Every white male citizen of the Commonwealth, resident therein, aged twenty-one years and upwards, being qualified to exercise the right of suffrage according to the former Constitution and laws; and every such citizen, being possessed, or whose tenant for years, at will or at sufferance, is possessed, of an estate of freehold in land of the value of twenty-five dollars, and so assessed to be if any assessment thereof be required by law; and every such citizen, being possessed, as tenant in common, joint tenant or parcener, of an interest in or share of land, and having an estate of freehold therein, such interest or share being of the value of twenty-five dollars, and so assessed to be if any assessment thereof be required by law; and every such citizen being entitled to a reversion or vested remainder in fee, expectant on an estate for life or lives, in land of the value of fifty dollars, and so assessed to be if any assessment thereof be required by law; (each and every such citizen, unless his title shall have come to him by descent, devise, marriage or marriage-settlement, having been so possessed or entitled for six months); and every such citizen, who shall own and be himself in actual occupation of a leasehold estate, with the evidence of title recorded two months before he shall offer to vote, of a term originally not less than five years, of the annual value or rent of twenty dollars; and every such citizen, who for twelve months next preceding has been a house-keeper and head of a family within the county, city, town, borough or election district where he may offer to vote, and shall have been assessed with a part of the revenue of the Commonwealth within the preceding year, and actually paid the same—and no other persons—shall be qualified to vote for members of the General Assembly in the county, city, town or borough, respectively, wherein such land shall lie, or such house-keeper and head of a family shall live. And in case of two or more tenants in common, joint tenants or parceners, in possession, reversion or remainder, having interest in land, the value whereof shall be insufficient to entitle them all to vote, they shall together have as many votes as the value of the land shall entitle them to; and the Legislature shall by law provide the mode in which their vote or votes shall in such case be given: Provided, nevertheless, that the right of suffrage shall not be exercised by any person of unsound mind, or who shall be a pauper, or a non-commissioned officer, soldier, seaman or marine, in the service of the United States, or by any person convicted of any infamous offence.

15. In all elections in this Commonwealth, to any office or place of trust, honor or profit, the votes shall be given openly, or *vis voce*, and not by ballot.

#### ARTICLE IV.

1. The chief Executive power of this Commonwealth, shall be vested in a Governor, to be elected by the joint vote of the two Houses of the General Assembly. He shall hold his office, during the term of three years, to commence on the first day of January next succeeding his election, or on such other day, as may from time to time be prescribed by law; and he shall be ineligible to that office, for three years next after his term of service shall have expired.

2. No person shall be eligible to the office of Governor, unless he shall have attained the age of thirty years, shall be a native citizen of the United States, or shall have been a citizen thereof at the adoption of the Federal Constitution, and shall have been a citizen of this Commonwealth for five years next preceding his election.

3. The Governor shall receive for his services a compensation to be fixed by law, which shall be neither increased nor diminished, during his continuance in office.

4. He shall take care that the laws be faithfully executed; shall communicate to the Legislature, at every session, the condition of the Commonwealth, and recommend to their consideration such measures as he may deem expedient. He shall be Commander-in-chief of the land and naval forces of the State. He shall have power to embody the militia, when in his opinion, the public safety shall require it; to convene the Legislature, on application of a majority of the members of the House of Delegates, or when, in his opinion, the interest of the Commonwealth may require it; to grant reprieves and pardons, except where the prosecution shall have been carried on by the House of Delegates, or the law shall otherwise particularly direct; to conduct, either in person, or in such manner as shall be prescribed by law, all intercourse

with other and foreign States; and during the recess of the Legislature, to fill, *pro tempore*, all vacancies in those offices, which it may be the duty of the Legislature to fill permanently: Provided, that his appointments to such vacancies shall be by commissions to expire at the end of the next succeeding session of the General Assembly.

5. There shall be a Council of State, to consist of three members, any one or more of whom may act. They shall be elected by joint vote of both Houses of the General Assembly, and remain in office three years. But of those first elected, one, to be designated by lot, shall remain in office for one year only, and one other, to be designated in like manner, shall remain in office for two years only. Vacancies occurring by expiration of the term of service, or otherwise, shall be supplied by elections made in like manner. The Governor shall, before he exercises any discretionary power conferred on him by the Constitution and laws, require the advice of the Council of State, which advice shall be registered in books kept for that purpose, signed by the members present and consenting thereto, and laid before the General Assembly when called for by them. The Council shall appoint their own Clerk, who shall take an oath to keep secret such matters as he shall be ordered by the Board to conceal. The Senior Councillor shall be Lieutenant-Governor, and in case of the death, resignation, inability or absence of the Governor from the seat of Government, shall act as Governor.

6. The manner of appointing militia officers shall be provided for by law; but no officer below the rank of a Brigadier General, shall be appointed by the General Assembly.

7. Commissions and grants shall run in the name of the Commonwealth of Virginia, and bear teste by the Governor, with the seal of the Commonwealth annexed.

#### ARTICLE V.

1. The Judicial power shall be vested in a Supreme Court of Appeals, in such Superior Courts as the Legislature may from time to time ordain and establish, and the Judges thereof, in the County Courts, and in Justices of the Peace. The Legislature may also vest such jurisdiction as shall be deemed necessary in Corporation Courts, and in the Magistrates who may belong to the corporate body. The jurisdiction of these tribunals, and of the Judges thereof, shall be regulated by law. The Judges of the Supreme Court of Appeals and of the Superior Courts, shall hold their offices during good behaviour, or until removed in the manner prescribed in this Constitution; and shall, at the same time, hold no other office, appointment, or public trust; and the acceptance thereof by either of them shall vacate his judicial office.

2. No law abolishing any Court shall be construed to deprive a Judge thereof of his office, unless two-thirds of the members of each House present concur in the passing thereof; but the Legislature may assign other Judicial duties to the Judges of Courts abolished by any law enacted by less than two-thirds of the members of each House present.

3. The present Judges of the Supreme Court of Appeals, of the General Court, and of the Superior Courts of Chancery, shall remain in office until the termination of the session of the first Legislature elected under this Constitution, and no longer.

4. The Judges of the Supreme Court of Appeals and of the Superior Courts shall be elected by the joint vote of both Houses of the General Assembly.

5. The Judges of the Supreme Court of Appeals and of the Superior Courts shall receive fixed and adequate salaries, which shall not be diminished during their continuance in office.

6. Judges may be removed from office by a concurrent vote of both Houses of the General Assembly; but two-thirds of the members present must concur in such vote, and the cause of removal shall be entered on the Journals of each. The Judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereupon.

7. On the creation of any new county, Justices of the Peace shall be appointed, in the first instance, in such manner as may be prescribed by law. When vacancies shall occur in any county, or it shall, for any cause, be deemed necessary to increase the number, appointments shall be made by the Governor, on the recommendation of the respective County Courts.

8. The Attorney-General shall be appointed by joint vote of the two Houses of the General Assembly, and commissioned by the Governor, and shall hold his office, during the pleasure of the General Assembly. The Clerks of the several Courts, when vacancies shall occur, shall be appointed by their respective Courts, and the tenure of office, as well of those now in office as of those who may be hereafter appointed, shall be prescribed by law. The Sheriffs and Coroners shall be nominated by the respective County Courts, and when approved by the Governor, shall be com-



missioned by him. The Justices shall appoint Constables. And all fees of the aforesaid officers, shall be regulated by law.

9. Writs shall run in the name of the Commonwealth of Virginia, and bear test by the Clerks of the several Courts. Indictments shall conclude, Against the peace and dignity of the Commonwealth.

#### ARTICLE VI.

A Treasurer shall be appointed annually by joint vote of both Houses.

#### ARTICLE VII.

The Executive Department of the Government shall remain as at present organized, and the Governor and Privy Councillors shall continue in office, until a Governor elected, under this Constitution, shall come into office; and all other persons in office when this Constitution shall be adopted, except as is herein otherwise expressly directed, shall continue in office, till successors shall be appointed, or the law shall otherwise provide; and all the Courts of Justice now existing shall continue with their present jurisdiction, until and except so far as, the Judicial system may or shall be hereafter otherwise organized by the Legislature.

Done in Convention in the City of Richmond, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fourth year of the Independance of the United States of America.

PHILIP P. BARBOUR,  
*President of the Convention*

D. BRIGGS,  
*Secretary of the Convention.*

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#### SCHEDULE.

Ordered, that the roll containing the draft of the amended Constitution adopted by this Convention, and by it submitted to the people of this Commonwealth, for their ratification or rejection, be enclosed by the Secretary in a case proper for its preservation, and deposited among the archives of the Council of State.

Ordered, that the Secretary do cause the Journal of the proceedings of this Convention, to be fairly entered in a well bound book, and after the same shall have been signed by the President, and attested by the Secretary, that he deposit the same, together with all the original documents in the possession of the Convention, and connected with its proceedings among the archives of the Council of State; and further, that he cause ten printed copies of the said Journal to be well bound, and deposited in the Public Library.

Ordered, that the President of the Convention, do certify a true copy of the amended Constitution to the General Assembly now in session; and that the General Assembly be and they are hereby requested to make any additional provisions by law, which may be necessary and proper for submitting the same to the voters thereby qualified to vote for members of the General Assembly at the next April elections, and for organizing the Government under the amended Constitution, in case it shall be approved and ratified by such voters.







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<del>AUG 11 1966</del>	<del>AUG 11 1966</del>
<del>JUN 18 1967</del>	<del>JUN 18 1967</del>
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